FEDERAL REGISTER

VOLUME 9 NUMBER 54

Washington, Thursday, March 16, 1944

The President

PROCLAMATION 2608

COPYRIGHT EXTENSION: UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (INCLUDING CERTAIN BRITISH TERRITORIES) AND PALESTINE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved September 25, 1941, c. 421, 55 Stat. 732, the President is authorized, on the conditions prescribed in that act, to grant an extension of time for the fulfilment of the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside of the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, including works subject to *ad interim* copyright, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS His Britannic Majesty has issued an Order in Council, effective from this day, by the terms of which treatment substantially equal to that authorized by the aforesaid act of September 25, 1941, is accorded, within the British dominions, colonies, protectorates, and mandated territories to which that order applies, to literary and artistic works first produced or published in the United States of America; and

WHEREAS the aforesaid Order in Council applies to the United Kingdom of Great Britain and Northern Ireland, British India, British Burma, Southern Rhodesia, Aden Colony, Bahamas, Barbados, Basutoland, Bechuanaland Protectorate, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Ceylon, Cyprus, Falkland Islands and Dependencies, Fiji, Gambia (Colony and Protectorate), Gibraltar, Gilbert and Ellice Islands Colony, Gold Coast ((a) Colony, (b) Ashanti, (c) Northern Territories), Hong Kong, Jamaica (including Turks and Caicos Islands and the Cayman Islands), Kenya (Colony and Protectorate), Leeward Islands (Antigua, Montserrat, St. Christopher and Nevis, Virgin Islands), Malta, Mauritius, Nigeria ((a) Colony, (b) Protectorate), Northern Rhodesia, Nyasaland Protectorate, Palestine (excluding Trans-Jordan), St. Helena and Ascension, Seychelles, Sierra Leone (Colony and Protectorate), Somaliland Protectorate, Straits Settlements, Swaziland, Trans-Jordan, Trinidad and Tobago, Uganda Protectorate, and Windward Islands (Dominica, St. Vincent, Grenada, St. Lucia); and

WHEREAS the aforesaid Order in Council is annexed to and is part of an agreement embodied in notes exchanged this day between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685), subjects of Great Britain and her possessions are, and since July 1, 1909, have been, entitled to the benefits of the act of Congress approved March 4, 1909, 35 Stat. 1075, relating to copyright, other than the benefits of section 1 (e) of that act; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated January 1, 1915 (38 Stat. 2044), the subjects of Great Britain and the British dominions, colonies, and possessions, with the exception of Canada, Australia, New Zealand, South Africa, and Newfoundland, are, and since January 1, 1915, have been, entitled to all the benefits of section 1 (e) of the aforesaid act of March 4, 1909; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated September 29, 1933 (48 Stat. 1713), citizens of Palestine (excluding Trans-Jordan) are, and since October 1, 1933, have been, entitled to all the benefits of the aforesaid act of March 4, 1909:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

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aforesaid act of September 25, 1941, do declare and proclaim:

That with respect to (1) works subject to copyright under the laws of the United States of America, including works eligible to *ad interim* copyright, which were first produced or published outside of the United States of America on or after September 3, 1939, by British nationals of the United Kingdom of Great Britain and Northern Ireland and of the British territories to which the aforesaid Order in Council applies, or by citizens of Palestine (excluding Trans-Jordan); and (2) works of the same authors or copyright proprietors which were entitled to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there existed and continues to exist such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of March, in the year of our Lord one thousand nine hundred forty-four, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 44-3585; Filed, March 14, 1944; 3:01 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter III—War Food Administration (Farm Security)

Subchapter A—Administration

[Administrator's Memorandum 37]

PART 300—GENERAL

DELEGATION OF AUTHORITY

§ 300.11 *Delegation of authority to Frank Hancock, as Administrator of the Farm Security Administration, to approve sales of real and personal property and to carry out the expeditious liquidation of projects.* By virtue of the authority vested in me by Executive Order No. 7027, dated April 30, 1935, as amended by Executive Order No. 7200, dated September 26, 1935, Executive Order No. 7028, dated April 30, 1935, Executive Order No. 7041, dated May 15, 1935, Executive Order No. 7530, dated December 31, 1936, as amended by Executive Order No. 7557, dated February 19, 1937, Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and by R.S. 161 (5 U.S.C., 1940 ed., 22), Frank Hancock, as Administrator of the Farm Security Administration, is authorized to sell and dispose of, in accordance with the applicable provisions of law, all real and personal property under the jurisdiction of the Farm Security Administration, and is further authorized and directed to do all things necessary in accordance with the applicable provisions of law, to carry out the expeditious liquidation of all resettlement projects, rural rehabilitation projects for resettlement purposes, cooperative land-leasing and land-purchasing associations and all other cooperative farming enterprises now under the jurisdiction of the Farm Security Administration, including the real and personal property comprising

such enterprises, which come within the Congressional mandate to liquidate.

The authority hereby delegated includes, but is not limited to, the following:

(a) The approval of sales and conveyances of real property or interests therein held by the United States of America and under the jurisdiction of the Farm Security Administration, including real property held in trust for any State rural rehabilitation corporation, and to execute, on behalf of the United States of America, all deeds or other instruments necessary in connection therewith: *Provided, however,* That in selling such property, the Administrator shall be guided by the following principles:

(1) Wherever practicable, sales of economic farm units shall be made to persons eligible under Title I of the Bankhead-Jones Farm Tenant Act at prices based on the earning capacity of the farms. The purchase price for each such farm shall be payable over a period not in excess of 40 years, and the unpaid portion of the purchase price shall bear interest at the rate of three per cent per annum.

(2) Sales of subsistence units shall be for the reasonable fair value thereof. The purchase price shall be payable over a period not in excess of 40 years and the balance of the purchase price shall bear interest at the rate of three per cent per annum, payable annually.

(3) All the interests in oil, gas, and other mineral rights which are vested in or owned by the United States, either legally or equitably, at the time of the sale of lands in accordance with this authorization, shall be reserved when the properties to be conveyed are situated in areas where such mineral rights have substantial market value or where, based on the opinion of qualified geologists, such rights are prospectively of substantial market value. At least 75% of all of the oil, gas and other mineral rights vested in or owned by the United States either legally or equitably at the time of conveyance will be reserved when such lands are situated within areas where such rights have no known market value or the market value thereof is nominal and where, based on the opinion of qualified geologists, such rights are not prospectively of substantial market value. Where mineral rights are to be transferred, including instances where the lands to be conveyed are held at the time of conveyance under purchase contracts reserving to the United States all minerals, the market value of the mineral rights to be conveyed will be taken into consideration in establishing the purchase price of such lands.

(b) The transfer, by sale or grant in accordance with the applicable provisions of law, of the school and other community facilities including, but not limited to, water systems, irrigation systems, sewage disposal systems and other public utilities serving such projects, to eligible purchasers authorized by law to acquire, operate and maintain such facilities. All dedications pursuant to section 4 of the Bankhead-Black Act (40 U.S.C. 434) must be approved by me.

(c) The application in accordance with the applicable provisions of law, in those instances where property of the Government has been improved by land-leasing associations, of the reasonable fair value of such improvements against the outstanding obligations of such associations owing to the United States.

(d) In connection with the sale and disposition of such property or interests therein: (1) To exercise for and on behalf of the United States of America, all rights, privileges and powers of the United States of America under the terms of any agreement or instrument heretofore or hereafter entered into in connection with the sale of such lands or property, or taken as security for the purchase price in connection with such sales; (2) to execute and perform all notices, consents and other acts to be given or done by the United States of America under the aforesaid agreements or security instruments; (3) to do and perform all things necessary for servicing, renewing and collecting the outstanding indebtedness in favor of the United States of America and to accept, record, release and satisfy instruments of security of all kinds, and (4) upon default in any payment or obligation, to enforce payment by realizing upon the security.

In the absence of the Administrator of the Farm Security Administration, or his inability to carry out the powers and functions hereby delegated, the authority conferred by this delegation may be exercised by the Acting Administrator of the Farm Security Administration.

This authority shall supersede the Secretary's memorandum dated March 15, 1943 (8 F.R. 3221), designated "Authorization of Administrator to approve sales of real property and execute deeds," and shall supersede Administration Order 246 (Rev. 1), dated July 20, 1939 (4 F.R. 3389), designated "Authority to approve the sale of State Rural Rehabilitation Corporation surplus real property."

All other delegations of authority not in conflict herewith shall remain unchanged and in full force and effect. In his discretion, the Administrator may delegate such of the powers as are hereby conferred upon him.

Issued this 13th day of March 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-3606; Filed, March 15, 1944; 11:24 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 95]

PART 1401—DAIRY PRODUCTS

MILK SUGAR

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of milk sugar for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1401.170 *Restrictions relative to milk sugar*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "milk sugar" means any milk product containing 80 percent or more of lactose monohydrate, dry weight basis.

(2) The term "refined milk sugar" means U. S. P. grade lactose (U. S. P. XII (1942) page 253).

(3) The term "technical milk sugar" means technical milk sugar, as defined by the Office of Price Administration. Whenever a new definition of "technical milk sugar" is issued by the Office of Price Administration, the term "technical milk sugar," as used herein, shall mean technical milk sugar as defined in said new definition.

(4) The term "crude milk sugar" means all milk sugar other than refined milk sugar and technical milk sugar.

(5) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) The term "inventory" means all quantities of milk sugar, including refined, technical, and crude milk sugar, owned by or in the possession or control of any person.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person shall deliver, accept delivery of, use, produce, refine, or otherwise process milk sugar except in accordance with an authorization issued by the Director. Any such authorization shall be issued by the Director only if he determines that such authorization, including the conditions, if any, set forth therein by the Director, is necessary or appropriate in the public interest and to promote the national defense.

(2) Any person desiring to deliver, accept delivery of, use, produce, refine, or otherwise process milk sugar may submit an application to the Director for authorization pursuant to the provisions of this order. An authorization, as aforesaid, shall, so far as reasonably feasible, be issued by the Director prior to the beginning of the calendar month during which the applicant is to deliver, accept delivery of, use, produce, refine, or otherwise process the milk sugar.

(3) Each producer, refiner, or commercial user of milk sugar shall, as soon as reasonably possible after the issuance of this order, notify his regular customers of the requirements of this order; however, the failure to receive such notice from a producer, refiner, or commercial user, as aforesaid, shall not excuse any person from complying with the provisions of this order.

(c) *Exemptions.* (1) The provisions of (b) hereof shall not apply to deliveries of refined milk sugar in retail packages for household or pharmaceutical use if the purchaser is (i) a person who is purchasing the refined milk sugar in a retail package, for household use, from

a retail store; (ii) the operator of one or more retail stores; or (iii) a distributor of refined milk sugar for resale by retail stores.

(2) The provisions of (b) hereof shall not apply to purchases by or sales to hospitals or institutions that use refined milk sugar under doctors' orders or prescriptions.

(d) *Records and reports.* (1) Each producer of crude milk sugar, technical milk sugar, or refined milk sugar shall complete Form FD 95–1, and shall mail such completed form on or before the 5th day of each calendar month in accordance with (j) hereof.

(2) Each person who desires an authorization pursuant to (b) hereof may file with the Director an application therefor on Form FD 95–2 and mail such completed form on or before the 10th day of each calendar month in accordance with (j) hereof. Any person requesting an authorization to accept delivery of milk sugar for increasing his inventory shall indicate, in the aforesaid application, "inventory" as a product end-use. Any person desiring to use crude milk sugar or technical milk sugar for further refining shall indicate, in the aforesaid application, "refining" as a product end-use.

(3) The Director shall be entitled to obtain such additional information from, and require such additional reports and records by, any person as may be necessary or appropriate, in the discretion of the Director, to the enforcement or administration of the provisions of this order.

(4) Each person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in technical milk sugar, crude milk sugar, and refined milk sugar.

(5) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping and reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Existing contracts.* The restrictions of this order shall be observed without regard to the rights of creditors, existing contracts, or payments made. This order shall not, however, be construed as reducing the amount of milk sugar which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writing, premises or stocks of milk sugar of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 95, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall, by requesting the Order Administrator therefor, obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using milk sugar, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Order Administrator, FDO 95, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C., Ref: FD 95.

(k) *Territorial extent.* This order applies to all persons in the United States, its Territories and Possessions, and the District of Columbia.

(l) *Effective date.* This order shall be effective on April 1, 1944, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9392, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of March 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–3560; Filed, March 13, 1944; 3:59 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4974]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BEN KALISH

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of furs and fur garments, (1) using the word "Caracul" or any simulation thereof, either alone or in conjunction with any other word or words, to designate or describe furs or fur garments made from kidskin or from the peltries of any animals other than lambs or sheep of the Karakul breed; (2) designating or describing the peltries of which furs or fur garments are made in any way other than by the use of the correct name of the peltries as the last word of the description; subject to the provision that where a fur or fur garment is made of peltries which have been dyed, the correct name of the peltries shall be immediately preceded, in letters of at least equal conspicuousness, by the word "dyed"; and that in the case of peltries which have been dyed to simulate other peltries, the word "dyed" may be compounded with the name of the peltries simulated, as, for example, "Seal-Dyed Rabbit" or "Beaver-Dyed Rabbit"; and (3) misrepresenting in any manner or by any means the peltries of which furs or fur garments are made; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Ben Kalish, Docket 4974, March 2, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of March, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Ben Kalish, an individual, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of furs and fur garments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Caracul" or any simulation thereof, either alone or in conjunction with any other word or words, to designate or describe furs or fur garments made from kidskin or from the peltries of any animals other than lambs or sheep of the Karakul breed.

2. Designating or describing the peltries of which furs or fur garments are made in any way other than by the use of the correct name of the peltries as the last word of the description; and where a fur or fur garment is made of peltries which have been dyed, the correct name of the peltries shall be immediately preceded, in letters of at least equal conspicuousness, by the word "dyed"; and in the case of peltries which have been dyed to simulate other peltries, the word "dyed" may be compounded with the name of the peltries simulated, as, for example, "seal-dyed rabbit" or "beaver-dyed rabbit."

3. Misrepresenting in any manner or by any means the peltries of which furs or fur garments are made.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-3597; Filed, March 15, 1944; 11:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5340]

CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

Effective for taxable years for which the return is due to be filed on or after the date of the approval of this Treasury decision, Regulations 104 [Part 23, Title 26, Code of Federal Regulations, 1940 Sup.] and Regulations 110 [Part 33, Title 26, Code of Federal Regulations, 1941 Sup.] are amended as follows:

PART 23—CONSOLIDATED RETURNS OF AFFILIATED RAILROAD CORPORATIONS AND PAN AMERICAN TRADE CORPORATIONS

PARAGRAPH 1. Section 23.31 (d) (1), as amended by Treasury Decision 5244, approved March 13, 1943, is further amended by striking from subdivision (iv) the word "and"; by striking the period at the end of subdivision (v) and inserting in lieu thereof a comma and the word "and"; and by inserting therein the following new subdivision:

(vi) In the computation of the net income of a corporation for the taxable year in which it became the common parent corporation of the affiliated group filing a consolidated return, the aggregate deductions of such corporation for such year otherwise allowable in excess of the gross income of such corporation for such year shall be excluded to the extent that such excess is attributable to that portion of such year preceding the date upon which such corporation became the common parent corporation of the group. Any amount excluded under this subdivision shall, to the extent that it constitutes a net operating loss within the provisions of section 122 or a net capital loss within the provisions of section 117, be considered as a net operating loss or a net capital loss, as the case may be, separately sustained by such corporation and subject to the provisions of paragraph (b) (2) (iii) (*c*) and (*d*) or paragraph (b) (2) (ix) (*b*) of this section.

PART 33—CONSOLIDATED RETURNS OF AFFILIATED CORPORATIONS PRESCRIBED UNDER SECTION 730 (B) OF THE EXCESS PROFITS TAX ACT OF 1940

PAR. 2. Section 33.31 (c), as amended by Treasury Decision 5327, approved January 14, 1944, is further amended as follows:

(A) By striking from subaragraph (1) (iv) the word "and"; by striking the period at the end of subparagraph (1) (v) and inserting in lieu thereof a comma and the word "and"; and by inserting in subparagraph (1) the following new subdivision:

(vi) In the computation of the net income of a corporation for the taxable year in which it became the common parent corporation of the affiliated group filing a consolidated return, the aggregate deductions of such corporation for such year otherwise allowable in excess of the gross income of such corporation for such year shall be excluded to the extent that such excess is attributable to that portion of such year preceding the date upon which such corporation became the common parent corporation of the group. Any amount excluded under this subdivision shall, to the extent that it constitutes a net operating loss within the provisions of section 122 or a net capital loss within the provisions of section 117, be considered as a net operating loss or a net capital loss, as the case may be, separately sustained by such corporation and subject to the provisions of paragraph (b) (3) (iii) and (iv) or paragraph (b) (9) (ii) of this section.

(B) By inserting therein the following new subparagraph:

(14) In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated excess profits credit for the taxable year shall be determined subject to the following qualifications:

(i) The portion of the consolidated excess profits credit otherwise allowable with respect to the common parent corporation shall not exceed:

(*a*) The portion of the consolidated excess profits net income for the taxable year attributable to such common parent corporation, in the case of a group formed subsequent to March 14, 1941, or

(*b*) In the case of a group formed prior to March 15, 1941, but having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the aggregate of the portion of the consolidated excess profits net income for the taxable year attributable to the common parent corporation and to the several subsidiary corporations which were members of the group on March 14, 1941, reduced by that portion of the consolidated excess profits credit attributable to such subsidiaries;

(ii) The portion of the consolidated excess profits credit otherwise allowable with respect to a subsidiary corporation which became a member of the group subsequent to March 14, 1941, shall not exceed:

(*a*) The portion of the consolidated excess profits net income for the taxable year attributable to such subsidiary corporation in the case in which such subsidiary corporation was not on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(*b*) If such subsidiary corporation was a member of an affiliated group on March 14, 1941, an amount which, together with that portion of the consolidated excess profits credit computed subject to the provisions of these regulations and attributable to other members of the group during the taxable year which were affiliated with such subsidiary corporation on March 14, 1941, within the meaning of section 141, does not exceed the aggregate of the portion of the consolidated excess profits net income for the taxable year attributable to such subsidiary corporation and to such other members of the group;

(iii) The portion of the consolidated excess profits credit otherwise allowable for the taxable year which is disallowed pursuant to the provisions of (i) and (ii) shall be considered as an unused excess profits credit in respect of those members of the group by reference to which the amount of the credit disallowed under (i) and (ii) was determined, originating, for the purpose of the unused excess profits credit carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the unused excess profits credit carry-over provisions, in a taxable year prior to the first taxable year in respect of which their income was included in a consolidated return;

(iv) The provisions of subdivisions (i) and (ii) shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941:

(*a*) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(*b*) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by

which such stock was owned on March 14, 1941;

(c) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Govrnent; or

(d) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated excess profits credit computed with respect to the affiliated group but without regard to those subdivisions will not serve to distort the excess profits tax liability of the group or of any of its members.

(Sec. 141 of the Internal Revenue Code (53 Stat. 58), as amended by sec. 159 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3587; Filed, March 14, 1944; 4:03 p. m.]

[T. D. 5341]

CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

Effective for taxable years for which the return is due to be filed on or after the date of the approval of this Treasury decision, Regulations 104 [Part 23, Title 26, Code of Federal Regulations, 1940 Supp.] and Regulations 110 [Part 33, Title 26, Code of Federal Regulations, 1941 Supp.] are amended as follows:

PART 23—CONSOLIDATED RETURNS OF AFFILIATED RAILROAD CORPORATIONS AND PAN AMERICAN TRADE CORPORATIONS

PARAGRAPH 1. Section 23.31 (d), as amended, is further amended as follows:

(A) By striking from subparagraph (1) (v) the word "and"; by striking the period at the end of subparagraph (1) (vi) and inserting in lieu thereof a comma and the word "and"; and by inserting in subparagraph (1) the following new subdivision:

(vii) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, allowable deductions shall be determined subject to the qualifications prescribed in subparagraph (11) of this paragraph.

(B) By striking from subparagraph (2) (iii) (b) the word "and"; by striking the semicolon at the end of subparagraph (2) (iii) (c) and inserting in lieu thereof a comma and the word "and"; and by inserting in subparagraph (2) (iii) the following new inferior subdivision:

(d) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, capital losses to the extent disallowed pursuant to the provisions of subparagraph (11) of this paragraph;

(C) By striking from subparagraph (2) (vii) the word "and"; by striking the period at the end of subparagraph (2) (viii) and inserting in lieu thereof a semicolon and the word "and"; and by inserting in subparagraph (2) the following new subdivision:

(ix) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, gains and losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) shall be determined subject to the qualifications prescribed in subparagraph (11) of this paragraph.

(D) By inserting therein the following new subparagraphs:

(10) In no case shall there be included in the computation of the consolidated net capital gain for the taxable year as a consolidated net capital loss carry-over under (b) (2) (ix) (b) of this section (relating to net capital losses sustained by a corporation in years prior to the first taxable year in respect of which its income is included in the consolidated return) an amount exceeding in the aggregate the net capital gains of such corporation (determined without regard to any net capital loss carry-over) included in the computation of the consolidated net capital gain for the taxable year.

(11) In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated net income for the taxable year, and for prior and subsequent taxable years to the extent affected by carrybacks and carry-overs from the taxable year, shall be determined subject to the following qualifications:

(i) There shall be excluded in the case of the common parent corporation and in the case of any subsidiaries which were members of the group on March 14, 1941, those deductions from gross income otherwise allowable with respect to:

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(c) Securities subject to the provisions of section 23 (g) (4) or sections 23 (k) (5), or

(d) Debts subject to the provisions of section 23 (k) (1).

to the extent that such deductions otherwise allowable exceed in the aggregate:

(1) In the case of capital losses, the excess of the aggregate capital gains over the aggregate capital losses of such corporations for the taxable year, or

(2) In the case of ordinary losses, the aggregate of the ordinary net income of such corporations for the taxable year, increased in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses and such ordinary net income being determined pursuant to the provisions of these regulations but without regard to the provisions (d) (1) (iv) and (d) (2) (iii) (b) of this section and without regard to the losses in question;

(ii) There shall be excluded in the case of a subsidiary corporation which became a member of the affiliated group subsequent to March 14, 1941, those deductions from gross income otherwise allowable with respect to:

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(c) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(d) Debts subject to the provisions of section 23 (k) (1), to the extent that such deductions otherwise allowable are attributable to events preceding the date upon which such corporation became a member of the group, and

(1) Being capital losses, exceed:

(i) The capital gains reduced by all other capital losses of such corporation for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(ii) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of these regulations in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the aggregate capital gains reduced by the aggregate of all other capital losses of such corporation and of such other members of the group, or

(2) Being ordinary losses, exceed:

(i) The ordinary net income of such corporation for the taxable year increased in an amount equal to any excess of capital gains over capital losses for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(ii) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of these regulations in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the ordinary net income of such corporation for the taxable year increased by the aggregate of the ordinary net income and decreased by the aggregate of the ordinary net losses of other members of the affiliated group during the taxable year which were affiliated with such cor-

poration on March 14, 1941, within the meaning of section 141, and increased further in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses, and ordinary net income and net losses, as the case may be, being determined pursuant to the provisions of these regulations but without regard to the provisions of paragraphs (d) (1) (iv) and (d) (2) (iii) (*b*) of this section and without regard to the losses in question;

(iii) The portion of any loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of (i) and (ii) shall, to the extent that it constitutes a net capital loss within the provisions of section 117 or a net operating loss within the provisions of section 122, be considered as a net capital loss or a net operating loss, as the case may be, in respect of those members of the group by reference to which the amount of the deduction disallowed under (i) and (ii) was determined, originating, for the purpose of the carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the carry-over provisions, in a taxable year prior to the first taxable year in respect of which their income was included in a consolidated return;

(iv) The provisions of subdivisions (i) and (ii) shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941:

(*a*) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(*b*) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on March 14, 1941;

(*c*) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(*d*) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated net income computed with respect to the affiliated group but without regard to those subdivisions will not serve to distort the income tax liability of the group or of any of its members.

PART 33—CONSOLIDATED RETURNS OF AFFILIATED CORPORATIONS PRESCRIBED UNDER SECTION 730 (b) OF THE EXCESS PROFITS TAX ACT OF 1940

PAR. 2. Section 33.31 (c), as amended, is further amended as follows:

(A) By striking from subparagraph (1) (v) the word "and"; by striking the period at the end of subparagraph (1) (vi) and inserting in lieu thereof a comma and the word "and"; and by inserting in subparagraph (1) the following new subdivision:

(vii) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, allowable deductions shall be determined subject to the qualifications prescribed in subparagraph (16) of this paragraph.

(B) By changing subparagraph (2) (ii) to read as follows:

(ii) In the computation of capital gains and losses, short-term capital gains and losses, and long-term capital gains and losses, as defined in section 117 (a), the gains and losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j), and the additional capital loss deductions authorized by section 204 (c) (5),

(*a*) There shall be eliminated all gains or losses arising in intercompany transactions; and

(*b*) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, capital gains and losses and gains and losses from involuntary conversions and from sales or exchange of property subject to the provisions of section 117 (j) shall be determined subject to the qualifications prescribed in subparagraph (16) of this paragraph;

(C) By inserting therein the following new subparagraphs:

(15) In no case shall there be included in the computation of the consolidated net capital gain for the taxable year as a consolidated net capital loss carry-over under (b) (9)-(ii) of this section (relating to net capital losses sustained by a corporation in years prior to the first taxable year in respect of which its income is included in the consolidated return) an amount exceeding in the aggregate the net capital gains of such corporation (determined without regard to any net capital loss carry-over) included in the computation of the consolidated net capital gain for the taxable year.

(16) In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated net income for the taxable year, and for prior and subsequent taxable years to the extent affected by carry-backs and carry-overs from the taxable year, shall be determined subject to the following qualifications:

(i) There shall be excluded in the case of the common parent corporation and in the case of any subsidiaries which were members of the group on March 14, 1941, those deductions from gross income otherwise allowable with respect to:

(*a*) Sales or exchanges of capital assets,

(*b*) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(*c*) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(*d*) Debts subject to the provisions of section 23 (k) (1),

to the extent that such deductions otherwise allowable exceed in the aggregate:

(*1*) In the case of capital losses, the excess of the aggregate capital gains over the aggregate capital losses of such corporations for the taxable year, or

(2) In the case of ordinary losses, the aggregate of the ordinary net income of such corporations for the taxable year, increased in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses and such ordinary net income being determined pursuant to the provisions of these regulations but without regard to the provisions of paragraph (c) (1) (iv) of this section and without regard to the losses in question;

(ii) There shall be excluded in the case of a subsidiary corporation which became a member of the affiliated group subsequent to March 14, 1941, those deductions from gross income otherwise allowable with respect to:

(*a*) Sales or exchanges of capital assets,

(*b*) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j).

(*c*) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(*d*) Debts subject to the provisions of section 23 (k) (1),

to the extent that such deductions otherwise allowable are attributable to events preceding the date upon which such corporation became a member of the group, and

(*1*) Being capital losses, exceed:

(*i*) The capital gains reduced by all other capital losses of such corporation for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(*ii*) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of these regulations in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is

equal to the aggregate capital gains reduced by the aggregate of all other capital losses of such corporation and of such other members of the group, or

(2) Being ordinary losses, exceed:

(*i*) The ordinary net income of such corporation for the taxable year increased in an amont equal to any excess of capital gains over capital losses for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(*ii*) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of these regulations in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the ordinary net income of such corporation for the taxable year increased by the aggregate of the ordinary net income and decreased by the aggregate of the ordinary net losses of other members of the affiliated group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, and increased further in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses, and ordinary net income and net losses, as the case may be, being determined pursuant to the provisions of these regulations but without regard to the provisions of paragraph (c) (1) (iv) of this section and without regard to the losses in question;

(iii) The portion of any loss otherwise allowable as a deduction of the taxable year which is disallowed pursuant to the provisions of (i) and (ii) shall, to the extent that it constitutes a net capital loss within the provisions of section 117 or a net operating loss within the provisions of section 122, be considered as a net capital loss or a net operating loss, as the case may be, in respect of those members of the group by reference to which the amount of the deduction disallowed under (i) and (ii) was determined, originating, for the purpose of the carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the carry-over provisions, in a taxable year prior to the first taxable year in respect of which their income was included in a consolidated return;

(iv) The provisions of subdivisions (i) and (ii) shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941,

(*a*) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(*b*) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on March 14, 1941;

(*c*) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(*d*) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated net income computed with respect to the affiliated group but without regard to those subdivisions will not serve to distort the excess profits tax liability of the group or of any of its members.

(Sec. 141 of the Internal Revenue Code (53 Stat. 58), as amended by sec. 159 of the Revenue Act of 1942 (Public Law 753, 77th Cong.))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3588; Filed, March 14, 1944; 4:03 p. m.]

[T. D. 5342]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EMPLOYERS' PENSION TRUST

In order to conform Regulations 111 [Part 29, Title 26, Code of Federal Regulations, 1943 Sup.] to section 3 of Public Law 201 (78th Congress), approved December 17, 1943, relating to extension of time for satisfying requirements of section 165 (a) (3), (4), (5), and (6), of the Internal Revenue Code, with respect to trusts forming part of an employers' stock bonus, pension, or profit-sharing plan, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (p)-1 the following:

PUBLIC LAW 201 (78th Congress, 1st Session), approved December 17, 1943.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 3. (a) Section 162 (d) (1) (B) of the Revenue Act of 1942 is amended to read as follows:

(B) Such a plan shall be considered as satisfying the requirements of section 165 (a), (3), (4), and (5) and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending December 31, 1944, if the provisions thereof satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than January 1, 1944.

(b) Section 162 (d) (2) of the Revenue Act of 1942 is amended to read as follows:

(2) In the case of a stock bonus, pension, profit sharing or annuity plan put into effect after September 1, 1942, such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date such plan is put into effect and ending December 31, 1944, if the provisions thereof satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than the effective date of such plan or January 1, 1944, whichever is the later.

PAR. 2. Section 29.23 (p)-9 is amended by changing the parenthetical matter immediately after the fifth sentence to read as follows:

(See section 162 (d) of the Revenue Act of 1942, as amended by Public Law 201 (78th Congress, 1st Session), approved December 17, 1943.)

PAR. 3. There is inserted immediately preceding § 29.165-1 the following:

PUBLIC LAW 201 (78th Congress, 1st Session), approved December 17, 1943.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 3. (a) Section 162 (d) (1) (B) of the Revenue Act of 1942 is amended to read as follows:

(B) Such a plan shall be considered as satisfying the requirements of section 165 (a), (3), (4), and (5) and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending December 31, 1944, if the provisions thereof satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than January 1, 1944.

(b) Section 162 (d) (2) of the Revenue Act of 1942 is amended to read as follows:

(2) In the case of a stock bonus, pension, profit sharing or annuity plan put into effect after September 1, 1942, such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date such plan is put into effect and ending December 31, 1944, if the provisions thereof satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than the effective date of such plan or January 1, 1944, whichever is the later.

PAR. 4. Section 29.165-5 is amended by changing the second and third paragraphs to read as follows:

In the case of a plan in effect on or before September 1, 1942, the plan will be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending December 31, 1944, if the provisions of the plan satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than January 1, 1944. Thus, if an employer having such a plan in effect makes

a return on the basis of the calendar year, he will have until December 31, 1944, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3), (4), (5), and (6) for the calendar years 1943 and 1944: *Provided*, That by December 31, 1944, the provisions of such plan so amended are made effective for all purposes as of a date not later than January 1, 1944. Also, if he is on a fiscal year basis he will have until December 31, 1944, to amend his plan with respect to a taxable year beginning after December 31, 1942, provided such plan so amended is made effective for all purposes as of a date not later than January 1, 1944.

In the case of plans not in effect on or before September 1, 1942, section 165 is applicable to all taxable years beginning after December 31, 1941. However, if such a plan satisfies the requirements of section 165 (a) (3), (4), (5), and (6) by December 31, 1944, and if by that time the provisions of such plan are made effective for all purposes as of a date not later than the effective date of such plan or January 1, 1944, whichever is the later, such plan shall be considered as satisfying such requirements for the period beginning with the date such plan is put into effect and ending December 31, 1944.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62) and sec. 3 of Pub. Law 201 (78th Cong.), approved December 17, 1943)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3621; Filed, March 15, 1944; 11:50 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5346]

PART 302—TAX ON PISTOLS AND REVOLVERS

EXEMPT SALES

In order to conform Regulations 47 [Part 302, Title 26, Code of Federal Regulations], relating to the excise taxes on sales by the manufacturer of pistols and revolvers under the Internal Revenue Code, to section 307 (a) (2) and (b) (2) and (6) of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [Chapter I, Note, Title 26, Code of Federal Regulations, 1939 Supp., p. 1599], are amended as follows:

PARAGRAPH 1. Immediately preceding article 1 (§ 302.1), there is inserted the following:

SEC. 307. TERMINATION OF CERTAIN GOVERNMENTAL EXCISE TAX EXEMPTIONS. (Revenue Act of 1943, Title III.) (a) The several sections of the Internal Revenue Code hereinafter enumerated are amended as follows:

* * * * *

(2) Section 2700 (b) (1) (relating to exemptions from tax on pistols and revolvers) is amended to read as follows:

(1) *Sales for use of states, etc.* Pistols and revolvers sold for the use of any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, shall be exempt from the tax imposed by subsection (a).

* * * * *

(b) *Period with respect to which applicable.* * * * the amendments made by this section shall apply as follows:

* * * * *

(2) The amendments of sections 2700 (b) (1), * * * of the Internal Revenue Code, shall be applicable to sales made on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war. Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

* * * * *

(6) For the purposes of this subsection the term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier.

* * * * *

PAR. 2. Section 302.9 (Article 9) is amended to read as follows:

§ 302.9 *Exempt sales.* Under the provisions of section 2700 (b) (1) prior to the amendment thereof by section 307 (a) (2) of the Revenue Act of 1943, no tax attaches to pistols and revolvers sold by the manufacturer for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia. Any manufacturer claiming exemption from the tax must maintain records and be prepared to produce such evidence as will clearly establish the right to exemption.

By virtue of the amendment by section 307 (a) (2) of the Revenue Act of 1943 of section 2700 (b) (1), and the application of section 307 (b) (2) to such amendment, the exemption with respect to sales of pistols and revolvers by the manufacturer for the use of the United States, or possession of the United States is inapplicable on and after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war, unless the sale is made pursuant to a contract entered into prior to such date, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

To be exempt from the tax the articles must be sold for the use of a Government or governmental agency. Pistols and revolvers sold to government officers in their private capacity or for their private use are not exempt from the tax.

(Sec. 307 (a) (2) and (b) (2) and (6) of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), and sec. 3791 of the Internal Revenue Code (53 Stat., 467; 26 U.S.C., 1940 ed., 3791))

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3625; Filed, March 15, 1944; 11:50 a. m.]

[T. D. 5343]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 44 [Part 314, Title 26, Code of Federal Regulations, 1939 Supp.], relating to taxes on gasoline, lubricating oil, and matches under the Internal Revenue Code, to section 307 (a) (5) and (6) and (b) (1) and (3) of the Revenue Act of 1943 (Public Law 235, 78th Congress), such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 314.24, there is inserted the following:

SEC. 307. TERMINATION OF CERTAIN GOVERNMENTAL EXCISE TAX EXEMPTIONS. (Revenue Act of 1943, Title III.) (a) The several sections of the Internal Revenue Code hereinafter enumerated are amended as follows:

* * * * *

(5) Section 3442 (3) (relating to tax-free sales under Chapter 29) is amended to read as follows:

(3) for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia.

* * * * *

(b) *Period with respect to which applicable.* Despite the provisions of section 301, the amendments made by this section shall apply as follows:

(1) The amendments of sections * * * 3442 (3) * * * of the Internal Revenue Code shall be applicable to sales made on or after the first day of the first month which begins three months or more after the date of the enactment of this Act. Such amendments shall not apply to deny an exemption otherwise applicable with respect to any articles sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

* * * * *

PAR. 2. Section 314.24 is amended as follows:

(A) The first paragraph is amended to read as follows:

Under section 3442 (3) prior to the amendment thereof by section 307 (a) (5) of the Revenue Act of 1943, no tax attaches to articles sold by the manufacturer direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use, provided the exempt character of the sale is established as required by these regulations. By virtue of the amendment of section 3442 (3), sales of articles by the manufacturer to

the United States on or after June 1, 1944, are not exempt from tax, unless the sale is made pursuant to a contract entered into prior to such date, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

(B) The last sentence of the second paragraph is amended to read as follows:

However, where any dealer resells a tax-paid article to any of the Governmental units named above, for its exclusive use, the manufacturer who paid the tax to the United States on his sale of the article may in certain cases secure a refund or credit as provided in § 314.64.

PAR 3. Immediately preceding § 314.64, there is inserted the following:

SEC. 307. TERMINATION OF CERTAIN GOVERNMENTAL EXCISE TAX EXEMPTIONS. (Revenue Act of 1943, Title III.) (a) The several sections of the Internal Revenue Code hereinafter enumerated are amended as follows:

* * * * *

(6) Section 3443 (a) (3) (A) (i) (relating to credits and refunds of excise taxes imposed by Chapter 29) is amended to read as follows:

(i) Resold for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

* * * * *

(b) *Period with respect to which applicable.* Despite the provisions of section 301, the amendments made by this section shall apply as follows:

* * * * *

(3) The amendment of section 3443 (a) (3) (A) (i) of the Internal Revenue Code shall not apply to deny the allowance of a credit or refund, otherwise allowable, with respect to the sale of any article by any person to the United States (A) prior to the date on which sales of such article to the United States become taxable, or (B) pursuant to a contract entered into prior to such date, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

* * * * *

PAR. 4. Section 314.64 is amended by inserting immediately preceding the last paragraph a new paragraph as follows:

No credit or refund is allowable for tax paid with respect to the sale of any article on or after June 1, 1944, to the United States, except in those cases where tax has been paid on sales made pursuant to a contract entered into prior to June 1, 1944, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

(Sec. 307 (a) (5) and (6) and (b) (1) and (3) of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), and sections 3450 and 3791 of the Internal Revenue Code (53 Stat., 419, 467; 26 U.S.C., 1940 ed., 3450, 3791))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3622; Filed, March 15, 1944; 11:50 a. m.]

[T. D. 5344]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENTS AND GAMBLING DEVICES, BOWLING ALLEYS, BILLIARD TABLES AND POOL TABLES

BOWLING ALLEYS, BILLIARD AND POOL TABLES

In order to conform Regulations 59 (1941 edition) [Part 323, Title 26, Code of Federal Regulations, 1941 Sup.], to sections 302 and 305 of the Revenue Act of 1943 (Public Law 235, 78th Congress), such regulations are hereby amended as follows:

PARAGRAPH 1. Immediately preceding § 323.10, there is inserted the following:

SEC. 302. INCREASES IN RATES. (Revenue Act of 1943, Title III.) (a) *In general.* Chapter 9A is amended to read as follows:

CHAPTER 9A—WAR TAXES AND WAR TAX RATES

* * * * *

SEC. 1655. DEFINITION. For the purposes of this chapter the term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier.

PAR. 2. Immediately preceding § 323.30, there is inserted the following:

SEC. 302. INCREASES IN RATES. (Revenue Act of 1943, Title III.) (a) *In general.* Chapter 9A is amended to read as follows:

CHAPTER 9A—WAR TAXES AND WAR TAX RATES

SEC. 1650. WAR TAX RATES OF CERTAIN MISCELLANEOUS TAXES. In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following tables, the rates applicable with respect to the period beginning with the effective date of title III of the Revenue Act of 1943 and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war shall be the rate set forth under the heading "War Tax Rate":

Section	Description of tax	Old rate	War tax rate
*	*	*	*
3268	Billard and pool tables; and Bowling alleys.	$10 per year per table; $10 per year per alley.	$20 per year per table; $20 per year per alley.
*	*	*	*

* * * * *

(b) *Effective date or period of certain increases.* * * *

(2) *Billiard and pool tables and bowling alleys.* The increase made by subsection (a) of this section in the tax imposed by section 3268 of the Internal Revenue Code shall be effective with respect to the period beginning July 1, 1944, and continuing through June 30 next following the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war (as defined in Chapter 9A of the Internal Revenue Code).

* * * * *

SEC. 305. EXEMPTION OF BILLIARD AND POOL TABLES IN HOSPITALS FROM TAX. (Revenue Act of 1943, Title III.) (a) *In general.* Section 3268 (a) (relating to the tax on bowling alleys and billiard and pool tables) is amended by inserting at the end thereof the following: "No tax shall be imposed under this section with respect to a billiard table or pool table in a hospital if no charge is made for the use of such table."

(b) *Effective date.* The amendment made by this section shall be effective beginning July 1, 1944.

PAR. 3. Section 323.31 is amended by striking out "of $10 per year" in the first sentence, and by adding the following new sentence at the end thereof:

No tax is incurred with respect to a billiard or pool table in a hospital if no charge is made for the use of such table.

PAR. 4. Section 323.32 is amended by striking out the first sentence of the first paragraph and inserting in lieu thereof the following:

For the period October 1, 1941 through June 30, 1944, the rate of tax is $10 per year for each bowling alley, billiard table, or pool table operated by the taxpayer. For the period July 1, 1944 through June 30 next following the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war, the rate of tax is $20 per year for each bowling alley, billard table, or pool table.

(Secs. 302 and 305 of the Revenue Act of 1943)

(Pub. Law 235, 78th Cong., and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3623; Filed, March 15, 1944; 11:50 a. m.]

Subchapter D—Social Security and Carriers Taxes

[T. D. 5345]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

EMPLOYMENT TAXES

In order to conform Regulations 106 [Part 402, Title 26, Code of Federal Regulations, Cum. Supp.], relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), to section 3 of the Joint Resolution approved December 22, 1943 (Public Law 211, 78th Congress), and to section 901 of the Revenue Act of 1943, enacted February 25, 1944 (Public Law 235, 78th Congress), such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding section 402.301, relating to measure of employees' tax, the following is inserted:

SECTION 3 (a) OF THE JOINT RESOLUTION APPROVED DECEMBER 22, 1943 (PUBLIC LAW 211, 78TH CONGRESS)

Clauses (1) and (2) of section 1400 of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1400) are amended to read as follows:

(1) With respect to wages received during the calendar years 1939, 1940, 1941, 1942, 1943, and the first two calendar months of the calendar year 1944, the rate shall be 1 per centum.

(2) With respect to wages received during the last ten calendar months of the calendar year 1944 and during the calendar year 1945, the rate shall be 2 per centum.

SECTION 901 (a) OF THE REVENUE ACT OF 1943

Clauses (1) and (2) of section 1400 of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1400) are amended to read as follows:

(1) With respect to wages received during the calendar years 1939, 1940, 1941, 1942, 1943, and 1944, the rate shall be 1 per centum.

(2) With respect to wages received during the calendar year 1945, the rate shall be 2 per centum.

PAR. 2. Section 402.302, as amended by Treasury Decision 5185, approved November 27, 1942, relating to rates and computation of employees' tax, is further amended to read as follows:

§ 402.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940, 1941, 1942, 1943, and 1944	1
For the calendar year 1945	2
For the calendar years 1946, 1947, and 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employees' tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. During 1944 A is an employee of B and is engaged in the performance of services which constitute employment (see § 402.203). In the following year, 1945, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2 percent rate in effect for the calendar year 1945 (the year in which the wages are received), and not at the 1 percent rate which is in effect for the calendar year 1944 (the year in which the services were performed).

PAR. 3. Immediately preceding § 402.401, relating to measure of employers' tax, the following is inserted:

SECTION 3 (b) OF THE JOINT RESOLUTION APPROVED DECEMBER 22, 1943 (PUBLIC LAW 211, 78TH CONGRESS)

Clauses (1) and (2) of section 1410 of such Act [Federal Insurance Contributions Act] (Internal Revenue Code, sec. 1410) are amended to read as follows:

(1) With respect to wages paid during the calendar years 1939, 1940, 1941, 1942, 1943, and the first two calendar months of the calendar year 1944, the rate shall be 1 per centum.

(2) With respect to wages paid during the last ten calendar months of the calendar year 1944 and during the calendar year 1945, the rate shall be 2 per centum.

SECTION 901 (b) OF THE REVENUE ACT OF 1943

Clauses (1) and (2) of section 1410 of such Act [Federal Insurance Contributions Act] (Internal Revenue Code, sec. 1410) are amended to read as follows:

(1) With respect to wages paid during the calendar years 1939, 1940, 1941, 1942, 1943, and 1944, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar year 1945, the rate shall be 2 per centum.

PAR. 4. Section 402.402, as amended by Treasury Decision 5185, relating to rates and computation of employers' tax, is further amended to read as follows:

§ 402.402 *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940, 1941, 1942, 1943, and 1944	1
For the calendar year 1945	2
For the calendar years 1946, 1947, and 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employers' tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

PAR. 5. The last paragraph of § 402.705, as amended by Treasury Decision 5185, relating to special refunds of employees' tax on wages over $3,000, is amended by striking out "1943" and "1944" wherever they now appear therein, and by inserting in lieu thereof "1944" and "1945", respectively.

(Sec. 1429 of the Internal Revenue Code (53 Stat. 178; 26 U.S.C., 1940 ed., 1429), sec. 3 of the Joint Resolution approved December 22, 1943 (Pub. Law 211, 78th Cong.), and sec. 901 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3624; Filed, March 15, 1944; 11:50 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[General License 58, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

COMMISSION FOR THE CONTROL OF FOREIGN EXCHANGE ASSETS, CHUNGKING, CHINA

MARCH 15, 1944.

Under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.58 *General License No. 58* as amended, is hereby amended in the following respects:

(1) By deleting the words "Stabilization Board of China" in paragraphs (a) (2) (i), (a) (3) (i), (a) (3) (ii), and (b) (1) thereof and substituting therefor the words "Commission for the Control of Foreign Exchange Assets, Chungking, China"; and

(2) By deleting the word "Board" in paragraph (b) (1) thereof and substituting therefor the word "Commission".

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3595; Filed, March 15, 1944; 10:46 a. m.]

[General License 75, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

COMMISSION FOR THE CONTROL OF FOREIGN EXCHANGE ASSETS, CHUNGKING, CHINA

MARCH 15, 1944.

Amendment of General License No. 75 under Executive Order No. 8389, as amended, Executive Order No. 9193, Section 5 (d) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.75 *General License No. 75,* as amended, is hereby amended in the following respects:

(1) By deleting the words "Stabilization Board of China" in pargaraph (d) thereof and substituting therefor the words "Commission for the Control of Foreign Exchange Assets, Chungking, China,"; and

(2) By deleting the word "Board" in paragraph (d) thereof and substituting therefor the word "Commission".

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-3596; Filed, March 15, 1944; 10:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[*Suspension Order S-485*]

THE VERKAMP CORPORATION

The Verkamp Corporation has its main office in Cincinnati, Ohio, and is engaged principally in the sale of liquefied petroleum gas, and in connection therewith the installation of liquefied petroleum gas equipment. During the months of July and September of 1942, and January and August of 1943, The Verkamp Corporation executed orders bearing improper ratings and false certifications for and thereafter received delivery of substantial quantities of liquefied petroleum gas equipment without authority of the War Production Board and in violation of Priorities Regulation No. 1 and Priorities Regulation No. 3. At the time of these violations, the responsible officers of The Verkamp Corporation were aware of Priorities Regulation No. 1 and Priorities Regulation No. 3. The violations in July and September, 1942, were deliberate and wilful, and the violations in January and August, 1943, were the result of gross negligence.

These violations have diverted critical materials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.485 *Suspension Order No. S-485.* (a) Delivery of liquefied petroleum gas equipment, as defined in Limitation Order L-86, to The Verkamp Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, and no person, firm or corporation shall deliver liquefied petroleum gas equipment to The Verkamp Corporation, its successors and assigns, nor shall such equipment be acquired by it or them, unless hereafter specifically authorized in writing by the War Production Board. However, this paragraph shall not affect the exceptions permitted by Limitation Order L-86, subparagraphs (1) through (4) of paragraph (d).

(b) Nothing contained in this order shall be deemed to relieve The Verkamp Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 14, 1944, and shall expire on June 14, 1944.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3584; Filed, March 14, 1944; 2:48 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Limitation Order L-42, Schedule IV, as Amended Mar. 15, 1944]

CAST IRON SOIL PIPE AND FITTINGS

§ 1076.5 *Schedule IV to Limitation Order L-42*—(a) *Definition.* For the purposes of this schedule "producer" means any person who manufactures, processes, fabricates or assembles cast iron soil pipe and fittings.

(b) *Simplified practices.* Pursuant to Limitation Order L-42 the following simplified practices are hereby established for cast iron soil pipe and fittings:

(1) Cast iron soil pipe shall be produced only in the following weights with a variation not exceeding 5 per cent (over or under) on individual lengths:

VICTORY, WEIGHT

Size (inches)	Per single hub length	Per double hub length
	Pounds	*Pounds*
2	20	21
3	30	31
4	40	42
5	55	57
6	65	68
8	100	105
10	145	150
12	190	200
15	255	270

EXTRA HEAVY WEIGHT

Size (inches)	Per single hub length	Per double hub length
	Pounds	*Pounds*
2	25	26
3	45	47
4	60	63
5	75	78
6	95	100
8	150	157
10	215	225
12	270	285
15	375	395

(2) Cast iron soil pipe fittings shall be produced only in weights heretofore known commercially as "standard", and "medium", and "extra heavy", but brass pipe plugs and brass trap screws shall be discontinued on cleanouts, ferrules, traps, test tees and other soil pipe fittings.

(c) [Deleted Mar. 15, 1944]

(d) [Deleted Mar. 15, 1944]

Issued this 15th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3601; Filed, March 15, 1944; 11:16 a. m.]

PART 1109—MICA SPLITTINGS

[Conservation Order M-101-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of No. 5 or larger bookform muscovite mica splittings for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1109.2 *Conservation Order M-101-a*—(a) *Definitions.* (1) "Built-up mica insulation" means a product containing various combinations of mica splittings and binder, but having no backing or reenforcing material attached to or combined with it.

(2) "Composite mica insulation" means a product containing various combinations of mica splittings with such material as: fish paper, fibrous glass, fabrics, acetate sheets, paper, etc., held together in laminated form by a binder.

(b) *Restrictions on use of mica splittings.* No person shall use No. 5 or larger bookform muscovite mica splittings except in the manufacture of composite or built-up mica insulations where the mica content is an average thickness of not more than .003" including the binder. The average (also known as "nominal") thickness is based upon ten individual measurements per square yard.

(c) *Reports.* All consumers of mica splittings (both phlogopite and muscovite) in the manufacture of built-up or composite mica insulation shall, on or before the 15th day of each month, file Form WPB-3297 with the Mica-Graphite Division, War Production Board, Washington 25, D. C., and such other reports as the War Production Board may from time to time direct. The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all other communications concerning this order, shall, un-

less otherwise directed, be addressed to: War Production Board, Mica-Graphite Division, Washington 25, D. C., Ref: M–101–a.

Issued this 15th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–3600; Filed, March 15, 1944; 11:16 a. m.]

PART 3284—BUILDING MATERIALS[1]

[General Limitation Order L–212, as Amended Mar. 15, 1944]

INCANDESCENT LIGHTING FIXTURES

Section 3284.51[1] *General Limitation Order L–212* is hereby amended to read as follows:

§ 3284.51 *General Limitation Order L–212*—(a) *Purposes of the order.* This order places certain limitations on the manufacture and assembly of incandescent lighting fixtures and parts. It also restricts the sale and delivery of new fixtures and parts.

(b) *Exceptions.* The restrictions and limitations contained in this order do not apply to the manufacture and assembly or the sale and delivery of copper wire, sockets, switches, or accessories (such as threaded fittings, supporting straps, mounting straps, screws, locknuts, running thread nipples, or hickeys) used in attaching incandescent lighting fixtures to an electrical outlet.

Restrictions on Manufacture and Assembly

(c) *Residential incandescent lighting fixtures.* No person may manufacture or assemble a residential incandescent lighting fixture containing more than 12 ounces of metal, exclusive of the chain or stem of a suspended type fixture for which not more than 8 additional ounces of metal may be used. These weight limits are maximum and no overweight tolerances are permitted. In calculating the weight of the metals allowed, the weight of the items listed in paragraph (b) shall not be included.

(d) *Utility incandescent lighting fixtures.* Except upon specific authorization in writing by the War Production Board (application may be made by letter as indicated in paragraph (j)), no person may put into process in the manufacture of a utility incandescent lighting fixture any:

(1) Metal sheet of a gauge heavier than 22 U. S. Standard except for an outlet box cover;

(2) Metal for a louver, shield, baffle, reflector or surface mounted metal box except for:

(i) Illuminated exit signs;

(ii) Hospital bedside examining lights;

(iii) Silver and copper for plating glass reflectors; or

(iv) Stage lighting equipment;

(3) Metal for recessed lighting equipment such as a cove, troffer, coffer, or built-in types.

(e) *Restrictions in other orders.* In addition to the restrictions set forth in paragraphs (c) and (d), all provisions appearing in other orders of the War Production Board (such as Orders M–1–i (Aluminum), M–9–c (Copper), M–11–b (Zinc) and M–126 (Iron and Steel)) which restrict the use of materials in incandescent lighting fixtures and parts must also be complied with.

Restrictions on Sale and Delivery of Incandescent Lighting Fixtures

(f) *Preference ratings.* (1) No person may sell or deliver any new industrial or utility incandescent lighting fixture or part except to fill an order or contract bearing a preference rating of AA–5 or higher, or bearing any preference rating which was assigned prior to March 15, 1944.

(2) No person may sell or deliver any new incandescent lighting fixture to fill an order bearing a blanket MRO rating lower than AA–2. The term "blanket MRO rating" is defined in Priorities Regulation 3.

(g) *Exceptions to paragraph (f).* There are five exceptions to the rules stated in paragraph (f). No preference rating is necessary for:

(1) The delivery of a fixture or part to an established testing laboratory for testing purposes only;

(2) The delivery of a fixture or part to a potential customer for demonstration but not for stock;

(3) The sale and delivery of a part to be used solely for maintenance or repair of an existing fixture;

(4) The sale and delivery of a fixture or part to a manuacturer or wholesaler on a special sale under Priorities Regulation 13; or

(5) The delivery of a fixture or part from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

Definitions

(h) *Meaning of terms used in this order.* (1) The term "incandescent lighting fixture" means any equipment designed or constructed for the purpose of illumination which employs or is used in connection with (a) an incandescent electric light source, or (b) a mercury vapor tube, lamp or bulb rated 250 or 400 watts. The term "incandescent lighting fixture" does not include:

(i) Lamps or bulbs covered by Order L–28;

(ii) Fluorescent lighting fixtures, as defined in Order L–78;

(iii) Any portable or attachable lamp or fixture designed to be plugged into an electric outlet, other than "portable" or "attachable" industrial incandescent lighting fixtures as defined in this order;

(iv) Aircraft lighting equipment, as defined in Order L–327;

(v) Aviation ground lighting equipment covered by Order L–235;

(vi) Blackout and dimout lighting fixtures, as defined in Order L–168;

(vii) Floodlights, searchlights, traffic signals, street or highway luminaries, or automotive lights;

(viii) Flashlights or any portable battery-operated lighting device covered by Order L–71;

(ix) Lighting fixtures specifically designed for use:

(a) On shipboard;

(b) In connection with aerial or marine navigation;

(c) As dental or surgical operating room fixtures; or

(d) In hospital psychiatric wards;

(x) Photographic lighting equipment and accessories covered by Order L–267.

(2) A "new" incandescent lighting fixture or part is one which has never been used by an ultimate consumer.

(3) An "industrial incandescent lighting fixture" is one which is designed and constructed to provide general or localized illumination for an area of manufacturing, processing, storage or transportation, including such areas as a machine shop, warehouse, power plant, yard, platform, dock, pier, or arsenal.

(4) A "portable industrial incandescent lighting fixture" is one which is designed for use in the operation of some piece of factory equipment (such as an industrial machine or tool) or in the assembly, inspection or servicing of a product, but which is not permanently attached to the equipment or the product. Such fixtures are designed to be plugged into an electric outlet and are usually equipped with either a handle, a hook, or a base fitted with free rolling casters.

(5) An "attachable industrial incandescent lighting fixture" is one which is designed to be used with some piece of factory equipment (such as an industrial machine, tool, or assembly bench) and is so constructed that it may be permanently affixed by screws to the equipment or to an adjoining wall. Such fixtures are designed to be plugged into an electric outlet. Lighting fixtures for business machines are excluded.

(6) A "residential incandescent lighting fixture" is one which is designed and constructed to provide illumination in a human habitation.

(7) A "utility incandescent lighting fixture" is any incandescent lighting fixture other than an industrial or residential type. The term includes theater and stage lighting fixtures and equipment, recessed lighting fixtures, illuminated exit signs of the type commonly installed in public buildings under the fire laws and bearing no advertising matter, and office, hospital and store lighting fixtures.

(8) "Put into process" means the act by which a person first changes the form of material from that form in which it was received by him.

Miscellaneous Provisions

(i) *Appeals.* Any appeal from the provisions of this order may be filed

[1] Formerly Part 3103, § 3103.1.

either on Form WPB–1477 (formerly PD–500) or by letter in triplicate referring to the particular provision appealed from and fully stating the grounds for the appeal. Such appeals shall be filed with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Authorizations.* Requests for specific authorization under paragraph (d) may be made by letter in duplicate stating fully the grounds for requesting the authorization. The letter should state the name and address of the project where the lighting fixtures will be used, the contract number assigned to the project, the preference rating, the name and address of the customer, and a full description of the fixtures.[2] The letter should be addressed to the War Production Board, Building Materials Division, Washington 25, D. C., Ref: Administrator, L–212.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Routing of correspondence.* Communications concerning this order (except appeals) shall be addressed to the War Production Board, Building Materials Division, Washington 25, D. C., Ref: L–212.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 15th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–3602; Filed, March 15, 1944; 11:16 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT[3]

[Conservation Order M–216–b, as Amended Mar. 13, 1944][4]

CONSERVATION OF NEW AUTOMOTIVE VEHICLES SUBJECT TO RATIONING BY FEDERAL AGENCIES

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of new passenger automobiles and commercial motor vehicles for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.106[3] *Conservation Order M–216–b*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Reserve vehicle" means any of the following described vehicles which have not been sold and delivered to a consumer under the rationing procedures of the War Production Board or the Office of Price Administration, and which are in the possession of or under the control of producers, distributors, dealers, sales agencies, finance agencies or other persons, throughout the continental United States, the territories, and insular possessions of the United States:

(i) *Reserve new passenger automobiles.* Any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten (10) persons, including taxis, but not including ambulances, hearses and station wagons.

(ii) *Reserve new commercial motor vehicle.* Any new commercial motor vehicle, including any light, medium or heavy motor truck, truck tractor or trailer, or the chassis therefor, (or any chassis on which a bus body is to be mounted), and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; including vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pickups, but not including taxicabs and integral type buses.

(2) "Standard equipment" means equipment stated to be standard equipment by the manufacturer as of October 15, 1941.

(3) "Producer" means any person who manufactures or has in the past manufactured any reserve vehicles, including body builders, and who now or hereafter has any such reserve vehicles in his possession or under his control.

(4) "Distributor" means any person other than the manufacturer regularly engaged in the business of selling reserve vehicles to dealers.

(5) "Dealer" means any person regularly engaged in the business of offering reserve vehicles for sale at retail to the public.

(6) "Sales agency" means any distributor or dealer and includes any agency or branch of a producer which sells reserve vehicles.

(7) "Finance agency" means any person regularly engaged in the business of financing or making loans on the security of reserve vehicles, to producers, distributors, dealers or sales agencies, and who now or hereafter has any lien or claim against any such reserve vehicle as security for a loan or other financing arrangement.

(8) "Consumer" means a person who accepts delivery of a reserve vehicle to be put into operation.

(9) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(c) *Restrictions on rebuilding reserve new passenger automobiles and removing of equipment.* (1) No person shall convert any reserve new passenger automobile to any other model or type of conveyance except pursuant to the terms of section 2.10 of Ration Order No. 2B or any subsequent similar order of the Office of Price Administration.

(2) No person shall remove from any reserve new passenger automobile any standard equipment, or shall remove any other part or accessory the removal of which will impair the operating efficiency of such vehicle, except pursuant to the terms of section 2.10 of Ration Order No. 2B or any subsequent similar order of the Office of Price Administration.

(d) *Removal of equipment from reserve new commercial motor vehicles prohibited except upon authorization from the War Production Board.* (1) Except upon specific authorization from the War Production Board: (i) No person shall remove from any reserve new commercial motor vehicle any standard equipment, or remove or exchange any other part or accessory, the removal or exchange of which will impair the operating efficiency, (pulling ability, carrying ability, or safety) of the vehicle. (ii) After April 15, 1944, no person shall remove equipment from, add equipment to, lengthen or shorten the chassis of a reserve new commercial motor vehicle, of a gross vehicle weight rating of 9,000 pounds or over, but of less than 16,000 pounds (medium truck or truck tractor) for the purpose of converting it into a bus; or make any such changes in a bus chassis to convert it into a truck.

(2) *Authorization to remove or exchange equipment.* Requests for authorization under this Paragraph (d) may be made by submitting a letter in triplicate to the Automotive Division, War Production Board, Washington 25, D. C., stating the make, model, gross vehicle weight, serial number and engine number of each vehicle for which the authorization is requested and describing in detail the alterations for which the request is made and the reasons for them.

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[2] The provisions of this order calling for application by letter in duplicate (paragraphs (d) and (j) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[3] Formerly Part 3062, § 3062.3.

[4] This document is a restatement of Amendment 1 to M–216–b as Amended March 6, 1943, as it appears in the FEDERAL REGISTER of March 14, 1944, page 2785, and which reflects the order in its completed form as of March 13, 1944.

Such authorizations will only be issued when the type of vehicle required as shown on an outstanding Certificate of Transfer (Form WPB 717) or Government Exemption Permit (Form WPB 718) cannot be obtained from inventory, or production, for a specific delivery date.

(e) *Exceptions as to removal of batteries and tires.* The provisions of paragraphs (c) and (d) above shall not be taken to prohibit the removal from any reserve vehicle of:

(1) An electric storage battery: *Provided, however,* That when the vehicle from which the battery has been removed is delivered to a consumer, the same battery or a new battery of at least equal quality and capacity and in first class condition shall be installed by the person making delivery of the vehicle.

(i) Any battery so removed need not be considered as part of the battery inventory of the sales agency as the same is defined in Limitation Order L-180, as amended.

(2) Rubber tires, casings or tubes: *Provided, however,* That the removal is made for storage or in exchange for rubber tires, casings or tubes upon authorization pursuant to Ration Order 1A or any subsequent similar order of the Office of Price Administration. When the vehicle from which tires, casings and tubes have been removed is delivered to a consumer tires, casings and tubes shall be replaced on the vehicle by the person making delivery unless such person has been authorized pursuant to Ration Order 1A or any subsequent similar order of the Office of Price Administration to mount other tires, casings and tubes on such vehicle.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance by the War Production Board.

(h) *Appeals.* An appeal from the provisions of this order shall be made by filing a letter in triplicate with the Field Office of the War Production Board nearest the appellant's place of business, referring to the particular provisions appealed from and stating fully the grounds for appeal.

(i) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C. Reference: Order M-216-b.

Issued this 13th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3603; Filed, March 15, 1944; 11:16 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 7]

BENZALDEHYDE

§ 3293.1007 *Schedule 7 to General Allocation Order M-300*—(a) *Definition.* "Benzaldehyde" means benzaldehyde in crude or refined form.

(b) *General provisions.* Benzaldehyde is subject to the provisions of General Allocation Order M-300 as an Appendix A material. The initial allocation date is April 1, 1944. The allocation period is the calendar month, and the small order exemption is 50 lbs. per month.

(c) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 20th of the month before the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-7. The unit of measure is pounds. Specify grade as "Technical", "NF", "FFC". An aggregate quantity may be requested, without specifying individual customers' names, for delivery on small orders of 50 lbs. or less per customer per month. Fill in Table II.

(d) *Customers' applications for authorization on Form WPB-2945.* Each person seeking authorization to use or to accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-7, one copy (reverse side blank) to the supplier and retain one copy. File separate sets of forms for each different supplier. The unit of measure is the pound. In column 3 specify each primary product, or specify "Resale", "Export" or "Inventory", if the benzaldehyde is to be resold, exported or held in inventory as such. Fill in the other columns of Table I and fill in Tables II, III and IV as indicated.

In Table V specify "Frozen Inventory on first of _____" (name first day of requested allocation month), in the heading of Column 23, and in the column enter the estimated quantity of benzaldehyde which at the beginning of the requested allocation month will be in inventory subject to further authorization before it can be used. Leave Columns 24 and 25 blank.

(e) *Approval of reporting requirements.* Forms WPB-2945 and 2946 and the instructions in this schedule and in Appendix A of Order M-300 for applications for benzaldehyde have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(f) *Communications to War Production Board.* All reports and communications concerning this schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-7.

Issued this 15th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3694; Filed, March 15, 1944; 11:16 a. m.]

Subchapter C—Director, Office of War Utilities

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3658, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4501—COMMUNICATIONS

[Utilities Order U-3 as Amended Mar. 15, 1944]

PREFERENCE RATING ORDER (PRO) FOR TELEPHONE INDUSTRY

§ 4501.6 *Utilities Order U-3*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative, or other division or agency thereof, to the extent engaged in rendering telephone communication service to the public (and such telegraph and teletypewriter service as may also be conducted by him) within, to, or from the United States, its territories, or possessions. Public law enforcement agencies and public fire protection agencies are excluded from this definition for the purposes of this order.

"Operator" also includes any persons operating a rural cooperative or mutually-owned telephone system. It further includes persons owning either a telephone or a telephone system which is connected to a telephone system rendering service to the public, so long as they do not generally use an MRO order other than Order U-3. Those who generally use another MRO order for their business operations, as for example railroads using Order P-142 or a manufacturer using CMP Reg. 5 are excluded from this definition.

"Operator" also includes any persons to the extent engaged in the operation of a private telephone communications system, provided that a specific direction from the War Production Board entitles such persons to use the preference rating and allotment number authorized by this order. Application for such a specific direction should be made by letter

to the War Production Board, Washington 25, D. C., Ref.: U–3.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design.

(4) "Operating supplies" means any material essential to the operator's business and used for purposes other than maintenance and repair. "Operating supplies" purchased with the rating or allotment number authorized by this order can not be used in any single case in an amount exceeding the dollar limits of paragraph (c).

(5) Without regard to accounting practices, "operator's inventory" means the aggregate of material currently owned by an operator and not incorporated into plant or in the process of being consumed, exclusive of:

(i) Material listed for sale on Form WPB–2567 (UF–6), and filed with the Communications Division, Office of War Utilities. Records of withdrawals from and additions to material listed for sale shall be maintained and preserved for a period of not less than two years under the authority of paragraph (i) and shall be reported to the Communications Division upon the request of the War Production Board.

(ii) Material for use on a project approved by the War Production Board.

(iii) [Revoked Oct. 30, 1943]

(iv) Material set aside to restore plant damaged by enemy action or sabotage provided the operator has received War Production Board approval on Form WPB–2774 or other appropriate form. Withdrawals must be reported to the War Production Board.

(v) Lead covered cable or bare line wire maintained by an operator for the repair of major breakdowns due to storms, floods, etc., reported as prescribed on Form WPB–1127 (UF–5), unless disapproved by the War Production Board.

(vi) Poles, crossarms, insulators and non-metallic conduit, furniture and fixtures; office machinery; printing, stationery and office supplies; house service supplies; and coal and petroleum products.

(b) *Rating and CMP allotment number.* (1) An operator is authorized to use the allotment number U–9 and preference rating of AA–1 for deliveries of material for maintenance, repair and operating supplies.

(2) An operator may apply and a supplier may extend the rating or allotment number in the manner provided in Priorities Regulation 3 and CMP Regulation 3, by placing on his delivery order substantially the certification set forth below in paragraph (b) (3).

(3) Utilities maintenance, repair and operating supplies certification.

Allotment number U-9, preference rating, AA-1. The undersigned operator certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders, and under all provisions of Utilities Orders U–2, U–3, and U–6, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered and to use any preference rating or allotment number which the undersigned has placed on this order.

(c) *Restrictions on use of material.* (1) Material obtained under this order may be used by an operator only within the limitations of Orders U–2 and U–6.

(2) Material obtained under this order may be used for operating supplies only in the following cases:

(i) An amount costing not more than fifty dollars may be used on any project specifically approved by the War Production Board on Form WPB–2774 or any alternative form.

(ii) [Revoked Jan. 20, 1944]

(iii) It may be used for telegraph and teletypewriter facilities in any single case in which the total material cost does not exceed $2,500.

(iv) An amount costing not more than $2,500 may be used for other purposes in any single case in which the total cost of all material used does not exceed $5,000.

(v) It may be used on any construction project approved by the War Production Board on Form WPB–2774 or any alternative form. However, material so used may only be replaced in inventory by use of the preference rating or allotment number authorized on the WPB–2774 or alternative form.

(3) An operator, who does not furnish telephone service to the public, whose "operator's inventory" at the end of 1942 or whose use of material during 1942 did not exceed $10,000 may not, in any single case, use material obtained under this order costing more than $500 for operating supplies.

(4) No operator shall subdivide a single order job, or project to qualify it under the dollar limitations of this paragraph.

(5) Material obtained under this order may be used for maintenance and repair without regard to dollar limitations on the use of material for operating supplies.

(6) The dollar limits of this paragraph (c) shall not prevent the use of material on hand to meet temporary traffic or emergency requirements, but where the dollar limits are exceeded the material must be returned to inventory or to its original location in plant within thirty days, unless application has been made to the War Production Board for authority to continue the use of material.

(7) No material may be used for building construction except as permitted by Order L–41. However, an operator may effect maintenance and repair of buildings which are essential to the conduct of the operator's business.

(8) A P. B. X. switchboard obtained under this order may be installed initially only for Schedule A service as set forth in Order U–2, or for essential public pay station service.

(d) *Authority to begin construction.* For any addition or expansion of telephone, telegraph or teletypewriter facilities involving a total material cost which exceeds the dollar limitations of paragraph (c) (2) or (c) (3) above, or which involves a total cost in material in excess of $5,000, an operator must obtain authority to begin construction and necessary priority assistance on Form WPB–2774.

(e) *Restrictions on inventory.* (1) No operator shall accept deliveries of material unless after the delivery his operator's inventory will not exceed a practical working minimum. A practical working minimum shall in no case be greater than 27½% of the dollar value of material used during the calendar year 1940 for all purposes exclusive of the items in paragraph (a) (5) (vi) and materials which were used for building construction. The items in (a) (5) (vi) may be accepted by an operator even if his operator's inventory exceeds 27½% of his 1940 usage of material.

(2) No operator shall accept delivery of a size, type, gauge and length of cable, wire or strand, if the operator's inventory of that size, type, gauge and length is in excess of requirements for the next sixty days. However, if an operator needs some wire, cable or strand, this provision does not forbid purchase of the minimum standard reel-length, even though the operator does not expect to use the whole reel in the next sixty days.

(3) No operator shall replace in inventory by use of the preference rating or allotment number of Order U–3 any material withdrawn pursuant to paragraph (g) (4) of Order U–2.

(f) *Restrictions on purchases.* (1) No operator shall use the allotment number or preference rating assigned by this order to obtain material during any calendar quarter in an aggregate dollar amount exceeding one-fourth of his aggregate dollar usage in 1942 for maintenance, repair and operating supplies.

(2) But, so long as the 1942 base as set forth in paragraph (f) (1) is not exceeded during a calendar year, an operator may in any quarter obtain the dollar quantity used in the corresponding quarter of 1942.

(g) *Exemptions.* (1) Any operator whose operator's inventory did not exceed $10,000 at the end of 1942 is exempt from the inventory restriction of paragraph (e) (1).

(2) Any operator whose use of material during the year 1942 did not exceed $10,000 shall be exempt from the provisions of paragraph (f) (1) above.

(h) *Sales of material.* Material which is listed for sale under (a) (5) (i) or is reserved for emergencies under (a) (5) (iv) and (a) (5) (v), must when sold between operators be sold without a prefer-

ence rating or allotment number. However, the material in (a) (5) (iv) and (a) (5) (v) so sold must be used for the purposes for which it was originally reserved.

(i) *Records and reports.* Each operator acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired which shall, upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board. In addition, each operator affected by this order shall file such reports with the Communications Division, Office of War Utilities, as may from time to time be required by the War Production Board.

(j) *Applicability of regulations.* (1) This order and all transactions affected by it, except as expressly provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or 5A shall apply to operators as defined in paragraph (a) (1) of this order, and no such operator shall obtain any material under the provisions of these regulations.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(l) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C. Ref.: U-3.

Issued this 15th day of March 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3605; Filed, March 15, 1944; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 14]

LIVESTOCK AND MEATS IN THE VIRGIN ISLANDS OF THE UNITED STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 395 is amended in the following respects:

1. Section 32 is added to read as follows:

SEC. 32. *Maximum prices for cattle sold in the Virgin Islands of the United States*—(a) *Definitions.* When used in this section 32 the term:

(1) "Cattle" means all members of the domesticated bovine species.

(2) "Young cattle" means those cattle commonly accepted by the trade as young.

(3) "Old cattle" means those cattle commonly accepted by the trade as old.

(b) *Maximum prices.* The maximum prices for cattle sold in the Virgin Islands of the United States for slaughter shall be the applicable price given in Table XVIII below.

TABLE XVIII—MAXIMUM PRICES FOR CATTLE SOLD FOR SLAUGHTER

Description	Unit	Deliveries in the municipality of St. Croix	Deliveries in the municipality of St. Thomas and St. John
Young cattle	One pound	$0.035	$0.10
Old cattle	One pound	.08	.095

NOTE: Weights shall be established in accordance with the custom of the trade.

(c) *Evasion.* The maximum prices established in paragraph (b) of this section shall not be evaded, whether by direct or indirect methods, in connection with any change in the customary methods of weighing, or of delivery of cattle, or by any offer, solicitation, agreement, bid, or by way of any dividend, commission, service, transportation, or other charges or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or by changing the customary methods or standards of grading or selection of such cattle, or in any other way. Any cooperative association engaged in the purchase of cattle from persons not members of the association may not grant "dividends", gratuities or other compensation to such non-members in order to achieve a higher than maximum price if the total payments thereby exceed the applicable prices established in Table XVIII; nor may non-members accept payment in such amount.

2. Section 33 is added to read as follows:

SEC. 33. *Maximum prices for locally produced beef and veal not inspected by the Federal (U. S.) Government.* (a) Maximum prices for locally produced beef and veal not inspected by the Federal (U. S.) Government during the production process and sold in the Virgin Islands of the United States shall be the applicable prices set forth below:

(1) *Sales in the municipality of St. Croix.*

TABLE XIX—MAXIMUM RETAIL PRICES FOR LOCALLY PRODUCED BEEF AND VEAL, NOT U. S. INSPECTED

Description	Unit	Maximum retail price
Soup, stew, boil meat	One pound	$0.22
Clear meat	One pound	.25
Roast meat (except standing ribs)	One pound	.27
Standing ribs	One pound	.21
Steaks:		
T-Bone, choice, sirloin, round steak	One pound	.27
Shoulder steak	One pound	.24
Filet	One pound	.60
Soup bones	One pound	.12
Liver, lungs and heart	One pound	.27
Tongue	One pound	.24
Kidneys, large	Each	.10
Kidneys, small	Each	.05

NOTE: Wholesale prices are subject to agreement between buyer and seller but may in no event exceed the maximum retail prices established in this table.

(2) *Sales in the municipality of St. Thomas and St. John.* (i) The maximum prices shall be the applicable price established in Table XIX except as provided in subdivision (ii) below.

TABLE XX—MAXIMUM RETAIL PRICES FOR LOCALLY PRODUCED BEEF AND VEAL, NOT U. S. INSPECTED

Description	Unit	Maximum retail price
Brain	Pair (two sections comprising one whole brain)	$0.12
Soup bones	One pound	.15
Filet	One pound	.60
All other cuts and classes of beef and veal, including edible byproducts	One pound	.25

NOTE: Prices at wholesale are subject to agreement between buyer and seller but may in no event exceed the applicable price established in this table.

(ii) The Virgin Islands Tourist Co., Inc., may add $0.10 per pound to the retail prices listed in Table XX above in computing its maximum retail prices at the Caneel Bay Plantation Resort, St. John, V I.

3. Section 34 is added to read as follows:

SEC. 34 *Maximum prices for sheep and goats sold in the Virgin Islands of the United States*—(a) *Maximum prices.* The maximum prices for sheep and goats sold in the Virgin Islands of the United States for slaughter shall be the applicable price given in Table XXI, below.

TABLE XXI—MAXIMUM PRICES FOR SHEEP AND GOATS SOLD FOR SLAUGHTER

Description	Unit	Deliveries in the municipality of St. Croix	Deliveries in the municipality of St. Thomas and St. John
Sheep	One pound	$0.10	$0.13
Goats	One pound	.07	.035

NOTE: Weights shall be established in accordance with the custom of the trade.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345, 14144, 15865, 17062, 16298, 16793; 9 F.R. 1398.

(b) *Evasion.* The maximum prices established in paragraph (a) of this section shall not be evaded, whether by direct or indirect methods, in connection with any change in the customary methods of weighing, or of delivery of sheep and goats, or by any offer, solicitation, agreement, bid or by way of dividend, commission, service, transportation, or other charges or discount, premium or privilege, or by tying-agreement, or other trade understanding, or in any other way. Any cooperative association engaged in the purchase of sheep and goats from persons not members of the association may not grant "dividends", gratuities or other compensation to such non-members in order to achieve a higher than maximum price if the total payments thereby exceed the applicable prices established in Table XXI; nor may non-members accept payment in such amount.

4. Section 35 is added to read as follows:

SEC. 35 *Maximum prices for locally produced sheep and goat mutton not inspected by the Federal (U. S.) Government.* (a) Maximum prices for locally produced sheep and goat mutton not inspected by the Federal (U. S.) Government during the production process and sold in the Virgin Islands of the United States shall be the applicable price set forth below:

(1) *Sales in the municipality of St. Croix.*

TABLE XXII—MAXIMUM RETAIL PRICES FOR LOCALLY PRODUCED SHEEP AND GOAT MUTTON, NOT U. S INSPECTED

Description	Unit	Maximum retail price
Sheep mutton and lamb:		
Leg cuts	One pound	$0.32
Loin (roast)	One pound	.32
Chops	One pound	.32
Shoulder cuts	One pound	.32
Soup meat	One pound	.30
Stew meat	One pound	.30
Liver, heart and lungs	One pound	.32
Goat mutton, all cuts and classes of meat	One pound	.25

NOTE: Wholesale prices are subject to agreement between buyer and seller but may in no event exceed the maximum retail prices established in this table.

(2) *Sales in the municipality of St. Thomas and St. John.* (i) The maximum prices shall be the applicable price established in Table XXIII, except as provided in subdivision (ii) below.

TABLE XXIII—MAXIMUM RETAIL PRICES FOR LOCALLY PRODUCED SHEEP AND GOAT MUTTON, NOT U. S. INSPECTED

Description	Unit	Maximum retail price
Sheep mutton, all cuts and classes of meat	One pound	$0.30
Goat mutton, all cuts and classes of meat	One pound	.30

NOTE: Wholesale prices are subject to agreement between buyer and seller but in no event may exceed the maximum retail prices established in this table.

(ii) The Virgin Islands Tourist Company, Incorporated, may add $0.10 per pound to the retail prices listed in Table XXIII above in computing its maximum retail prices at the Caneel Bay Plantation Resort, St. John, V. I.

This amendment shall become effective as of March 6, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3578; Filed, March 14, 1944; 11:40 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 184,[1] Amdt. 4]

MAINE SARDINES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1364.112 (a) is amended to read as follows:

(a) The prices set forth below are maximum prices per case for Maine sardines, f. o. b. the railroad shipping point nearest the cannery. The maximum prices are gross prices before the deduction of any discounts.

Description		Maximum price per case
Container size and type	Style of pack	
Keyless ¼'s standard pack.	Cottonseed oil, soybean oil, mustard.	$4.43
Keyless ¼'s standard pack.	Tomato sauce	4.48
¼'s decorated tops with keys, standard pack.	Cottonseed oil, soybean oil, mustard.	5.18
¼'s decorated tops with keys, standard pack.	Tomato sauce	5.23
¼'s wrapped or in cartons with keys, standard pack.	Cottonseed oil, soybean oil, mustard.	5.43
¼'s wrapped or in cartons with keys, standard pack.	Tomato sauce	5.48
Keyless ¾'s standard pack.	Mustard	4.43
Keyless ¾'s standard pack.	Tomato	4.48

This amendment shall become effective March 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3592; Filed, March 14, 1944; 5:04 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5715, 8948, 9958; 8 F.R. 14009, 15703.

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 40]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix D, Table 3, as follows:

TABLE 3—MINNESOTA

Area. Minnesota: Counties of Aitkin, Becker, Beltrami, Benton, Carlton, Cass, Chisago, Clearwater, Cook, Crow Wing, Hubbard, Isanti, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Marshall, Morrison, Mille Lacs, Mahnomen, Otter Tail, Pine, Polk, Pennington, Red Lake, Roseau, St. Louis, Todd, Wadena.

Species. White Pine (Pinus strobus), Norway Pine (Pinus resinosa), Jack Pine (Pinus Banksiana), Balsam Fir (Abies balsamea), Northern White Cedar (Thuja occidentalis), White Spruce (Picea glauca), Black Spruce (Picea mariana), Tamarack (Larix laricina), Hard Maple (Acer saccharum), Soft Maple (Acer rubrum and Acer saccharinum), Yellow Birch (Betula lutea), White Birch (Betula populifolia), Red Oak (Quercus borealis), White Oak (Quercus alba) and the commercial species of the genera Basswood (Tilia), Elm (Ulmus), Ash (Fraxinus), and (Populus) including Balm of Gilead, Cottonwood, Aspen and Popple.

Grading and scaling rules. A. Box bolts shall be measured by the double cord, a compact rick or stack of wood eight and one-third feet by eight feet by four feet being considered a double cord. Box bolts must be straight and cut from sound, live timber; to be 100" long with a minimum diameter of 6" at the small end inside bark and limbs to be closely trimmed. 6" bolts must be perfectly straight and sound. Bolts 7" and up will admit sweep and crook not to exceed ⅓ diameter at small end. Rot and excessive sweep or crook shall be deducted on a cordage basis. Box bolts may be purchased as all diameters above 6" in which case the producer must include all of the larger diameter bolts which are cut from the stand, or on the basis of diameter classes, namely box bolts from 6" through 8" in diameter, and box bolts 9" and over in diameter.

B. Sawlogs shall be scaled with the Scribner Decimal C log rule.

The diameter shall be measured at the small end of the log, inside the bark, at the average diameter.

Fractions of an inch ½ and below shall be counted as of the next lower figure; fractions of an inch greater than ½ may be raised to the next higher figure.

Logs shall be cut into standard even lengths with the minimum length of 8 feet. All logs must be cut at least 3" over length to allow for trim. Those logs not cut at least 3" over length shall be reduced in scale to the next lower standard length.

All unsound and unusable wood must be deducted from the scale when measuring the log. The defects for which full deduction shall be made include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, and crooks. The extent of rot or other defects is to be determined by the scaler, but the manner or method of deduction shall be no less rigid or exacting than those prescribed in the National Forest Scaling Handbook, Revised May, 1940.[2]

[1] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 973, 1317, 1571, 1572, 1717, 2088, 2135.

[2] For sale by the Superintendent of Documents, Washington, D. C., 60¢.

Sawlogs shall be sold on a Woods Run Grade. This grade shall consist of logs 8" and up in diameter as produced from the forest that are better than culls. Logs may be purchased on a log scale basis below 8" but a proper adjustment in price shall be made as required by the following tables.

C. Veneer short logs are to be cut in 50" and 100" lengths for Aspen and Basswood, and 45" and 90" lengths for White Birch. The minimum diameter is 8". A single cord means an amount of timber, which when properly stacked, contains 120 cubic feet for 45" and 90" bolts and 133 cubic feet for 50" and 100" bolts; logs must be sound, green timber, free from decay, seams or numerous knots. Bolts must be at least 75% surface clear in one continuous lineal section.

D. Short bolts shall be measured by the single cord of 128 cubic feet. They shall be cut to a minimum diameter of 12 inches. All bolts are to be sound, straight grained free of knots, catfaces, and large worm holes, except that two small knots 1" or less in diameter will be permitted if in strict alignment; and are to be cut to lengths specified by the buyer.

Maximum prices—A. *Box bolts; per double cord* (266 cubic ft.).

Species	All bolts 6" and up in diameter	Box bolts 6", 7", and 8" in diameter	Box bolts 9" and up in diameter
Aspen (Popple)	$19.00	$18.00	$23.00
Basswood	21.00	20.00	24.00
Jack Pine	24.00	23.00	27.00
Norway (Red) Pine	24.00	23.00	28.00
White Pine	24.00	23.00	28.00
Balsam Fir	27.00	26.00	30.00
Spruce	31.00	30.00	34.00
Cottonwood	18.00	17.00	22.00
Elm	18.00	17.00	22.00
Soft Maple	18.00	17.00	22.00
Balm of Gilead	16.00	15.00	20.00

B. *Sawlogs (woodsrun); per M feet log scale.*

Species	6" and 7" in diameter	8" and up (including nothing under 8" in diameter)
Aspen (Popple)	$22.00	$24.00
Basswood	23.00	25.00
Jack Pine	26.00	28.00
Norway (Red) Pine	27.00	29.00
White Pine	27.00	29.00
Balsam Fir	27.00	29.00
Spruce	28.00	30.00
Cottonwood	20.00	22.00
Elm	20.00	22.00
Soft Maple	20.00	22.00
Balm of Gilead	18.00	20.00
Oak	24.00	26.00

C. *Veneer short logs; per single cord.*

Species	50" and 100" lengths (133 cu. ft.)	45" and 90" lengths (120 cu. ft.)
Aspen (Popple)	$14.00	----------
Basswood	14.00	----------
White Birch	----------	$18.00

D. *Short bolts; per cord of 128 cubic feet.*

Species:	
White and Red Oak	$11.00

General provisions. All prices are f. o. b. railroad cars at a rail siding, or delivered to the mill by truck.

If delivery is taken at any place other than f. o. b. cars at rail siding or at the mill, the buyer must deduct from the ceiling price either:

(a) The cost of bringing the logs or bolts to the rail siding and loading on cars if delivery to the mill is by rail car; or

(b) The cost of trucking logs or bolts to the mill if delivery to mill is by truck.

Dealer's and trader's commission—Definitions. "Dealer" means any person who sells to consumers cordwood (pulpwood, veneer short logs, excelsior bolts, box bolts and insulation short logs) not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 8,000 cords of cordwood to consumers in the 1942-1943 operating season, or who shall sell and deliver not less than 8,000 cords of cordwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year. "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells wood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer.

Commission. (a) If a consumer of cordwood buys box bolts or veneer short logs through a dealer as defined above, such consumer may pay such dealer, in addition to the maximum price set forth above, a commission not to exceed $1.00 per cord of 133 cubic feet. If any person buys box bolts or veneer short logs through a trader, as defined above, such person may pay such trader, in addition to the maximum price provided, a commission not to exceed 50 cents per cord of 133 cubic feet: *Provided*, That in no case shall the aggregate amount of commissions, on any cord of box bolts or veneer short logs exceed $1.00 per cord of 133 cubic feet.

(b) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on box bolts or veneer short logs cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transaction.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions):

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The box bolts or veneer short logs sold by the dealer to the consumer or sold by the trader to his vendee have been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the box bolts or veneer short logs and that they are free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation of the box bolts or veneer short logs, and that the charges are not in excess of Maximum Price Regulation No. 348.

(vii) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

(c) Any person not meeting the requirements set forth in the definition of a dealer given above, but who intends to do so, may make application for such status to the Lumber Branch, Office of Price Administration, Washington, D. C., which Branch may grant the application either absolutely or conditionally, or deny it, by letter or telegram.

This amendment shall become effective March 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3615; Filed, March 15, 1944; 11:43 a. m.]

PART 1335—CHEMICALS

[RPS 76,[1] Amdt. 6]

HIDE GLUE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 76 is amended in the following respects:

1. Subparagraph (3) of paragraph (g) of § 1335.709 is amended to read as follows:

(3) *Sales of hide glue adhesives.* Where a producer or jobber has increased his price on a sale of hide glue to a manufacturer of hide glue adhesives under paragraph (g) (1) or (g) (2) above of this section, the buyer may increase his maximum price on sales by him of adhesives made from said hide glue by an amount equal to the actual increase under paragraph (g) (1) or (g) (2) in his buying price of such hide glue.

2. The following new subparagraph (4) is added to paragraph (g) of § 1335.709.

(4) *Notification.* Every seller who increases his maximum price on a hide glue or hide glue adhesive under the provisions of this paragraph (g) shall, with or prior to the first delivery at the increased price, furnish his purchaser with a written notice, or state on the invoice or bill to the purchaser, that the glue is produced from imported raw material, or contains glue so produced, and that the seller has fully complied with the regulation.

This amendment shall become effective March 21, 1944.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1351, 2132, 2241, 2818, 4331, 8948; 8 F.R. 1365; 9 F.R. 1116.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3618; Filed, March 15, 1944; 11:44 a. m.]

PART 1349—ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

[RPS 82,† Amdt. 7]

WIRE, CABLE AND CABLE ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1349.20 Appendix D, paragraph (c) of Revised Price Schedule 82 is amended by adding the following:

In any case and on and after March 31, 1944, the maximum prices for wire, cable and cable accessories priced under this paragraph shall be not more than 120% of the manufacturer's net prices to wholesalers in the same quantities. In the case of any line of wire, cable and cable accessories where the manufacturer's prices vary with the quantities when sold to users but do not vary with quantities when sold to wholesalers, the maximum price shall be either (a) the price determined according to the preceding sentence, or (b) the manufacturer's price to users in the same quantities, whichever is higher.

This amendment shall become effective March 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; 8 F.R. 4681)

Issued this 15th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3617; Filed, March 15, 1944; 11:44 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 389,[1] Incl. Amdt. 1-12]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

Section 12 (c) (1) (iii) is amended by Amendment 12**, effective March 20, 1944, so that Maximum Price Regulation No. 389 shall read as follows:

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 389 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this maximum price regulation are and will be generally fair and equitable, and comply with the requirements of section 3 and the other requirements of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, and will effectuate the purposes of said Act and Executive orders.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Above paragraph added by Supplementary Order 63, 8 F.R. 12553, effective 9-11-43]

§ 1364.14 *Maximum prices for certain sausage items.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 389 (Ceiling Prices for Certain Sausage Items at Wholesale) which is annexed hereto, and made a part hereof is hereby issued.

AUTHORITY: § 1364.14 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 389—CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

ARTICLE I—PURPOSE AND SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. How maximum prices are fixed.
3. Relation to other laws and regulations.
4. Types of sausage and descriptive labelling requirements.
5. Where this regulation applies.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

6. Records and reports.
7. Indirect price increases.
8. Licensing.
9. Enforcement.

ARTICLE III—MISCELLANEOUS PROVISIONS

10. Petitions for amendment.
11. Adjustable pricing.

ARTICLE IV—ZONES, PRICES AND DEFINITIONS

12. Maximum prices.
13. Definitions.
14. Description of zones.

ARTICLE I—PURPOSE AND SCOPE OF REGULATION

SECTION 1. *What this regulation does*—(a) *In general.* This regulation fixes dollar-and-cents ceiling prices on certain sausage and sausage products. On and after June 1, 1943, the date this regulation takes effect, no person may sell or deliver, except at retail, and except to a canner for the manufacture of canned sausage for a war procurement agency, and no person in the course of trade or business except such a canner may buy or receive sausage or sausage products at prices higher than the prices permitted by this regulation. But lower prices may be charged or paid.

(b) *Sausage products not covered by this regulation.* The provisions of this regulation do not apply to the following sausage products:

(1) The customary types of dry and semi-dry sausage other than those included in the kinds of sausage defined in section 13 of this regulation; cooked or smoked thuringer; cooked or smoked cervelet; cooked salami; scrapple; sulze or souse; pork roll made from skeletal pork only, which has a yield not in excess of 95 percent and a fat content not in excess of 20 percent; ham roll made from boneless ham only, which has a yield not in excess of 95 percent and a fat content not in excess of 20 percent; lunch roll made from skeletal pork only, which has a yield not in excess of 100 percent and a fat content not in excess of 20 percent; pork pudding containing less than 30 percent livers; head cheese; blood sausage; blood and tongue sausage; tongue roll; tongue loaf; tongue salad; fresh thuringer containing pork, beef or veal; fresh bockwurst containing pork, beef or veal; fresh Italian sausage made of skeletal pork, with no more than 30 percent fat; smoked brattwurst; chili-con-carne; roast beef loaf; corned beef loaf; jellied corned beef; goose liver style sausage containing tongues, sweetbreads and pistachio nuts; and imitation or mock chicken loaf.

(2) Canned sausage; sausage and sausage products subject to Revised Maximum Price Regulation No. 148[3] or Maximum Price Regulation No. 156[4] or Maximum Price Regulation No. 286[5] when sold to a war procurement agency.

[Section 1 amended by Am. 1, 8 F.R. 6958, effective 5-24-43; Am. 2, 8 F.R. 6945, effective 5-22-43; Am. 7, 8 F.R. 11956, effective 8-27-43; and Am. 10, 8 F.R. 16597, effective 12-14-43]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

SEC. 2. *How maximum prices are fixed*—(a) *General instructions.* (1) The ceiling price for any sale is found by looking at paragraph (a) of section 12, which lists the base price per hundredweight in dollars for each type of sausage. To this price should be added, first, the amount specified in paragraph (b) of that section for the zone in which

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†7 F.R. 1358, 2133, 7034, 8948; 8 F.R. 5810, 10656, 17296.

*Copies may be obtained from the Office of Price Administration.

**The text which is amended by Am. 12 is underscored.

[1] 8 F.R. 5903.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] 9 F.R. 1996.

[4] 7 F.R. 4230, 5780, 10379; 8 F.R. 121, 4136, 15462.

[5] 7 F.R. 10554; 8 F.R. 2157, 2350, 4640, 7681, 10079, 11039, 12874.

the point of delivery is located and, then, whatever other additions are made permissible by paragraph (c) of that section. The base price, plus the zone differential, plus the permitted additions is the ceiling price. An exception to the above rule for determining the ceiling price applying only to intermediate distributors of kosher sausage, all beef sausage and Type 1 special pork sausage is stated in the following paragraph.

(2) The ceiling price for a sale of kosher sausage, all beef sausage or Type 1 special pork sausage by an intermediate distributor shall be computed in accordance with the provisions of the preceding paragraph with the following exception: If the addition for transportation charges provided for in section 12 (c) (4) is added to the base price, the zone differential specified in section 12 (b) for the zone in which the sausage was manufactured shall be added to the base price in place of the zone differential specified in section 12 (b) for the zone in which the point of delivery is located.

[Paragraph (a) as amended by Am. 11, 9 F.R. 2239, effective 2-25-44]

(b) *Determining the zone in which the point of delivery is located*—(1) *Point of delivery.* The point of delivery is the point at which the product is delivered to the buyer. If local delivery is made, the seller may at his option, treat the point at which local delivery begins as the point of delivery.

(i) Local delivery means delivery by any vehicle, other than a rail carrier, made by the seller from the seller's place of business to the buyer's store door.

(ii) If the seller does not treat the point at which local delivery begins as the point of delivery, the point at which the product is delivered to the buyer is the point where actual physical possession is taken by the buyer or where the product, consigned to the buyer:

(*a*) Is received by a rail carrier for shipment at the railroad carload rate; or

(*b*) Is received by a common or contract carrier, other than a railroad or an express company; or

(*c*) Is received by an express company for shipment by express to a purveyor of meals; or

(*d*) In the case of kosher sausage, all beef sausage, and special pork sausage type 1, only, is received by a common or contract carrier.

Provided, That the charges of such carrier in all four instances are paid directly to such carrier by the buyer.

[Paragraph (b) amended by Am. 7, 8 F.R. 11956, effective 8-27-43. Subparagraph (1) (i) amended by Am: 11, 9 F.R. 2239, effective 2-25-44]

SEC. 3. *Relation to other laws and regulations*—(a) *Relation to other regulations.* (1) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation,[6] and Revised Maximum Price Regulation No. 169[7] with respect to sales other than at retail of all kosher sausage and of all other sausage except that which is expressly excluded from this regulation by section 1.

(2) The maximum price at which a person may export sausage shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[8] issued by the Office of Price Administration.

[Paragraph (a) amended by Am. 3, 8 F.R. 8185; and Am. 7, 8 F.R. 11959, effective 8-27-43. Am. 3 became effective (1) as to sales or deliveries by other than sausage manufacturers, who do not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who are not controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities, wholesalers, hotel supply houses and peddler truck sellers, on June 21, 1943; and (2) as to sales or deliveries by all other sausage manufacturers and by wholesalers, hotel supply houses and peddler truck sellers on June 28, 1943. (As amended by Am. 4, 8 F.R. 8677)]

(b) *Relation to other laws and to rules and regulations of other governmental agencies.* The provisions of this regulation do not relieve any person from compliance with all rules, regulations and laws of any state, county or municipality or other federal agency.

SEC. 4. *Types of sausage and descriptive labelling requirements*—(a) *What sausage may be sold.* After this regulation takes effect, no sausage, other than those kinds of sausage the sale of which is excluded from this regulation by section 1, may be manufactured for sale, offered for sale, or sold, or bought in the course of trade or business, unless such sausage meets the requirements for one of the kinds and types of sausage for which prices are established by this regulation.

(b) *Descriptive labelling requirements*—(1) *All sausage must be labelled.* No sausage or sausage product subject to this regulation may be manufactured for sale, held for sale, offered for sale, or sold, or bought in the course of trade or business, unless it bears a descriptive label in accordance with the provisions of this section.

(2) *Where the label must be placed.* A label satisfying the requirements of this section shall appear on each one and one-half pounds of frankfurters and pork or breakfast sausage stuffed in sheep or hog casings, and once on each piece of other sausage or sausage product stuffed in casings or packed in wrappers, including but not limited to pork or breakfast sausage (other than that stuffed in sheep or hog casings), bologna, loaves, all beef sausage, kosher sausage, New England, Berliner or Berlin, liver sausage and Polish sausage. The label may be a band or tag securely affixed to the sausage or sausage product or printed or stamped upon the outside of the casing or wrapper. A similar label also shall be stamped or printed upon the outside of the carton or other immediate container in which the sausage is placed.

(3) *What must appear on the label.* Each label shall contain prominently and in easily legible form: (i) The name of the kind of sausage or sausage product as used in this regulation and, in addition if the seller desires, a trade name, provided it does not include the name of some other kind of sausage or sausage product priced under this regulation.

(ii) The word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, not counting curing materials, condiments, spices, and water. If there is only one ingredient, not counting curing materials, condiments, spices, and water, and if the name of the kind of sausage includes the name of the ingredient, the ingredient need not be separately stated. The list of ingredients shall state the common or usual names of the ingredients in the order of their predominance by weight, except that curing materials, spices, condiments, and water need not be shown, unless required by some other federal, state, or local regulation. The name of the ingredient shall be a specific name, not a general name, such as, but not limited to, "pork", "beef", "pork head meat", "beef cheek meat", "hearts", "livers", "tripe", "cereal", "dried skimmed milk", etc. The word "pork", "beef", "veal", "mutton", "goat" shall be used in connection with all skeletal meat ingredients. If more than 3½% of extender is used the label shall so state.

(iii) Whatever of the following letters or words are appropriate to show the kind of casing used: H. C. for hog casing; S. C. for sheep casing; B. C. for beef casing; A. C. for artificial casing; except that no such designation is required for an artificial casing on which is printed the casing manufacturer's name or trademark; skinless, where artificial casings have been removed by the manufacturer. Where the same price applies to the sausage or sausage product in each kind of natural casing, the letters N. C., indicating natural casing, may be used. The label need not contain a designation of the kind of casing used where the same price applies to the sausage or sausage product no matter what kind of casing, carton or wrapper is used.

(4) *Temporary non-use of labels on certain sausage items.* (i) A seller may apply to a nearby District Office of the Office of Price Administration for authorization to sell specific sausage items other than the sausage items defined in section 13 (f), (g) or (h) of this regulation, without having to label such sausage items. The application shall be a sworn statement setting forth the efforts made by the seller to obtain labels and the reasons why such labels were not obtained prior to November 1, 1943. The seller shall attach to the sworn statement copies of all correspondence with label suppliers regarding his efforts to secure labels. The District Director may, in writing, authorize a seller whose application shows that he has made diligent and reasonable efforts to secure labels and was unable to secure the same prior to November 1, 1943, to sell specific sausage items without having to label the same until the receipt of labels for these

[6] 9 F.R. 1385.
[7] 9 F.R. 1121.
[8] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

items. In no event shall an authorization under this paragraph extend beyond December 31, 1943.

(ii) Prior to February 21, 1944, the seller shall not be required to use labels satisfying the requirements of this section on the sausage or sausage products defined in section 13 (f), (g) or (h) of this regulation.

(5) *Description on invoice.* The name and type of sausage and the kind of casing, cup, carton or wrapper in which the sausage is sold, must be shown on the seller's invoice, except that the kind of casing, cup, carton or wrapper need not be shown where the same price applies to the sausage no matter what kind of casing, cup, carton or wrapper is used. Also the kind and size of container must be shown on the invoice if the price of the sausage includes an addition for the container pursuant to section 12 (c) (3). Kosher sausage and all beef sausage shall be designated as such on the invoice in addition to other information required by this paragraph.

[Sec. 4 amended by Am. 1, 8 F.R. 6958, effective 5-24-43; Am. 3, 8 F.R. 8185; Am. 7, 8 F.R. 11956, effective 8-27-43; Am. 9, 8 F.R. 15192, effective 11-8-43; and Am. 10, 8 F.R. 16597, effective 12-14-43, except that sec. 4 (b) (4) (i) shall become effective as of 11-1-43. For effective dates of Am. 3, see note following sec. 3 (a).]

SEC. 5. *Where this regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and to the District of Columbia.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

SEC. 6. *Records and reports.* (a) After this regulation takes effect every person making a sale, other than at retail, and every person making a purchase in the course of trade or business of sausage subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a complete record of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price charged and the price received, a description of the product including the kind, the type, the kind of casing, or other wrapping employed, and the quantity sold. Kosher sausage shall be shown separately.

[Paragraph (a) amended by Am. 2, 8 F.R. 6945, effective 5-22-43, and Am. 7, 8 F.R. 11956, effective 8-27-43]

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to, or in place of the records, required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

SEC. 7. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for sausage subject to this regulation a price higher than the maximum prices permitted by this regulation. No person shall as a condition of selling any such sausage require a purchaser to buy any other meat or any other product. However, a payment by a buyer to a seller for icing services performed by the seller after June 1, 1943, and before delivery of sausage to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad, shall not be construed as an evasion.

[Sec. 7 amended by Am. 6, 8 F.R. 10907, effective 8-3-43; and Am. 7, 8 F.R. 11956, effective 8-27-43]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses to procurement agencies of the United States.]

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1,[9] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 8 as amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

SEC. 9. *Enforcement.* (a) On and after June 1, 1943, any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

[Sec. 9, as amended by Am. 2, 8 F.R. 6945, effective 5-22-43]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[10] issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementay Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Sec. 11 as amended by Am. 1, 8 F.R. 6958, effective 5-24-43]

ARTICLE IV—ZONES, PRICES AND DEFINITIONS

SEC. 12. *Maximum prices*—(a) *Table of base prices.* All prices are on a dollar per hundredweight basis and include packaging or boxing costs, except where such costs are specifically provided for in paragraph (c) (3). Type 1 pork sausage is in one pound cartons only.

[9] 8 F.R. 13240.

[10] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11800.

Item Kind of sausage and kind of casing	Type 1 Special pork	Type 2 Skeletal pork	Type 3 Meat byproducts; cereal to 3½%	Type 4 Meat byproducts; cereal over 3½%
(i) Pork or breakfast sausage:				
(i) Fresh:				
Sheep casings (S. C.)	$33.25	$31.00	$25.00	$20.50
Hog casings (H. C.)		28.00	22.00	17.50
Artificial casings, (A. C.) or sealed heavy cardboard waxed cups, 1 lb. each or less		30.50	21.00	16.00
Cardboard cartons or sealed packages of moisture resistant paper, 1 lb. each or less		25.50	20.00	13.00
Bulk	29.75	24.50	19.00	12.00
(ii) Smoked:				
Hog casings (H. C.) or skinless		31.75	27.00	21.00
Artificial casings (A. C.)		31.25	27.00	20.50
Beef rounds (B. C.)			25.00	18.50
	Skeletal meat	Meat; 3½% cereal added		
(2) Frankfurters:				
Sheep casings (S. C.)	26.75	26.25	23.75	20.50
Hog casings (H. C.) or artificial casings removed by manufacturer (skinless)	23.75	23.25	20.75	17.50
Printed artificial casings (A. C.)	23.25	22.75	20.25	17.00
(3) Bologna:				
Natural casings (N. C.)	21.75	21.25	18.75	15.50
Artificial casings (A. C.)	21.00	20.50	18.00	14.75

(4) Kosher sausage:
- (i) Salami — $29.50
- (ii) Bologna and knackwurst:
  - Natural casings (N. C.) — 24.25
  - Artificial casings (A. C.) — 23.50
- (iii) Frankfurters:
  - Sheep casings (S. C.) — 29.25
  - Artificial casings removed by manufacturer (skinless) — 26.25
  - Printed artificial casings (A. C.) — 25.75

(5) All beef sausage:
- (i) Frankfurters:
  - Sheep casings (S. C.) — 28.25
  - Hog casings (H. C.) or skinless — 25.25
  - Artificial casings (A. C.) — 24.75
- (ii) Bologna and knackwurst:
  - Natural casings (N. C.) — 23.25
  - Artificial casings (A. C.) — 22.50
- (iii) Salami:
  - Artificial casings (A. C.) — 28.25
- (iv) Lebanon bologna:
  - Natural casings (N. C.) — 27.25
  - Artificial casings (A. C.) — 26.50

(6) Loaves in artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper:
- Type 1 — 37.50
- Type 2 — 28.00
- Type 3 — 19.00
- Type 4 — 15.50

(7) Liver products:
- (i) Braunschweiger:
  - Sewed hog bungs (H. C.) — 24.75
  - Other hog casings (H. C.) — 23.25
  - Artificial casings (A. C.) — 20.50
- (ii) Liver sausage, smoked:
  - Sewed hog bungs (H. C.) — 22.75
  - Other hog bungs (H. C.) — 21.25
  - Artificial casings (A. C.) — 19.25
- (iii) Liver sausage, fresh:
  - Hog bungs (H. C.) — 20.75
  - Beef casings (B. C.) — 19.25
  - Artificial casings (A. C.) — 18.75
- (iv) Liver cheese:
  - Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper — 24.25
- (v) Liver loaf:
  - Artificial casings (A. C.), natural casings (N. C.), cardboard cartons or sealed packages of moisture resistant paper — 18.50
- (vi) Liver pudding:
  - Beef casings (B. C.) — 16.00
  - Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper — 15.50

(8) Miscellaneous sausage:
- (i) New England:
  - Natural casings (N. C.) — $36.25
  - Artificial casings (A. C.) — 35.75
- (ii) Minced luncheon:
  - Natural casings (N. C.) — 23.25
  - Artificial casings (A. C.) — 22.75
- (iii) Berliner or Berlin:
  - Natural casings (N. C.) — 21.75
  - Artificial casings (A. C.) — 21.25
- (iv) Polish sausage in hog casings, or skinless:
  - Type 1 — 33.75
  - Type 2 — 26.75
  - Type 3 — 20.25

[Paragraph (a) amended by Am. 1, 8 F.R. 6958, effective 5-24-43; Am. 3, 8 F.R. 8185; Am. 6, 8 F.R. 10907, effective 8-3-43; Am. 7, 8 F.R. 11956, effective 8-27-43; Am. 9, 8 F.R. 15192, effective 11-8-43; Am. 10, 8 F.R. 16597, effective 12-14-43; and Am. 11, 9 F.R. 2239, effective 2-25-44. For effective dates of Am. 3 see note following sec. 3 (a).]

(b) *Table of zone differentials.* Depending upon the location of the point of delivery, the seller may add to the base price per hundredweight the applicable one of the following zone differentials:

Zone	Kosher sausage	All beef sausage	Sausage containing meat and meat byproducts from swine only	All other sausage
1	$1.75	$1.75	$2.50	$2.00
2	1.00	1.00	1.50	1.00
3			1.25	0.75
4			0.75	0.50
4a				
5	0.50	0.50	0.25	0.50
6	0.75	0.75	0.50	0.75
7	1.00	1.00	0.75	1.00
8	1.25	1.25	1.00	1.25
9 north of Potomac River	3.00	1.50	1.25	1.50
9 south of Potomac River	1.50	1.50	1.25	1.50
10	1.75	1.75	1.50	1.75

[Paragraph (b) amended by Am. 7, effective 8-27-43; Am. 8, 8 F.R. 13340, effective 10-5-43; and Am. 10, effective 12-14-43]

(c) *Permitted additions to base prices*—(1) *Selling costs.* One of the following amounts may be added to cover the cost of selling:

Per cwt.

- (i) On sales to wholesalers, peddler truck sellers and hotel supply houses — $0.50
- (ii) On sales to retailers and purveyors of meals made by other than hotel supply houses — 1.50
- (iii) On peddler truck sales by a person described in subparagraph (1) of the definition of "peddler truck sale" in section 13 (a) to retailers and purveyors of meals located in Zone 9 North of the Potomac River — 3.00
- (iv) Except as provided in the preceding paragraph (iii), on peddler truck sales to retailers and purveyors of meals — 2.50
- (v) On sales to purveyors of meals by hotel supply houses — 2.75

(2) *Local delivery.* Where the seller makes local delivery to the buyer's store door, otherwise than by peddler delivery, and treats the point at which local delivery begins as the point of delivery for determining the zone differential to be added to the base price, he may add $0.25 per hundredweight if such delivery is completed within 25 miles of the point from which such local delivery starts, or $0.50 per hundredweight if such delivery is completed over 25 miles from such starting point. A store means a restaurant, hotel, or retail store, or a wholesaler's or hotel supply house's warehouse.

(3) *Boxing and packaging.* The following amounts may be added for boxing and/or packaging:

Container	Net weight (pounds)	Permitted addition per hundredweight: Kosher and all beef sausage	Permitted addition per hundredweight: Other sausage
Keg, bring on	25 or less	$2.50	$1.75
Keg, bring on	25 to 50	2.00	1.25
Keg, bring on	50 to 100	1.75	1.00
Barrel, bring on	100 to 200	1.50	.75
Tierce, bring on	Over 200	1.00	.25
Wood box	All weights	.50	
Fibre box	All weights	.25	

Per cwt.

For Type 2 pork sausage in sheep casings packaged in one pound paper cartons — $1.00

(4) *Intermediate distributors.* If a hotel supply house, wholesaler, or peddler truck seller has paid any charge under subparagraphs (c) (1) and/or (c) (2) of this section, and/or any transportation charges to a common carrier under section 2 (b) (1) (ii) (*d*), he may, upon resale, add such charge or charges to the base price in addition to any other amounts permitted to be added by section 12 (c): *Provided,* That no buyer is charged more than $0.50 per hundredweight for local delivery under subparagraphs (c) (2) and (c) (4) of section 12.

[Paragraph (c) amended by Am. 1, 8 F.R. 6959, effective 5-24-43; Am. 3, 8 F.R. 8185; Am. 5, 8 F.R. 10306, effective 8-3-43; Am. 7, 8 F.R. 11956, effective 8-27-43; Am. 8, 8 F.R. 13340, effective 10-5-43; Am. 10, 8 F.R. 16597, effective 12-14-43; Am. 11, 9 F.R. 2239, effective 2-25-44; and Am. 12, effective 3-20-44. For effective dates of Am. 3 see note following sec. 3 (a).]

SEC. 13. *Definitions.* (a) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other distributive establishment; which is engaged in the fabrication of meat cuts and in the sale of fabricated meat cuts, variety meats and other meat products to purveyors of meals; and which, during the base period of September 15 to, and including, December 15, 1942, sold to purveyors of meals, other than war procurement agencies, 70 per cent of the total weight volume of meat, variety meats, and other meat products sold by it.

"Peddler-truck sale" means a sale of sausage from a truck in quantities of not more than 50 pounds of sausage and not more than 150 pounds of meats, edible meat by-products and sausage in any one day, where the first record of the transaction is made by the salesman concurrently with the delivery of the products sold, (1) By a person who purchases meat, meat by-products or sausage at or below the ceiling price from a seller with whom he has no other financial affiliation or relationship, who takes delivery at the seller's place of business, and who does not sell or deal in sausage in any manner other than sales out of stock carried in a truck owned and driven by him; or (2) By a person who makes all his sales of sausage out of stock carried in a truck driven by him but owned by a person who used such truck exclusively for this type of sale during the month of March, 1942. The term "peddler-truck sale" does not include deliveries made pursuant to prior orders.

"Purveyors of meals" means: (1) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration; (2) The War Shipping Administration of the United States; (3) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel; (4) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state or local government or agency thereof; (5) Contract school meaning any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned officer or other authorized representative of the armed services of the United States.

[Above 3 definitions as amended by Am. 7, 8 F.R. 11956, effective 8-27-43]

"Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user. Sales to purveyors of meals will be considered sales at retail if made by anyone who made 80 percent of his total sales of meat, meat by-products or sausage during the previous calendar month to ultimate consumers, that is people who bought such products to be eaten by themselves or their families.

"Wholesaler" means a person other than a hotel supply house or peddler-truck seller, who buys sausage for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(b) "Artificial casing" means only a cellulose or fibrous casing, or a heavy cloth bag.

"Beef" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of cattle in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Beef fat" means the detached fat from the carcass of beef.

"Cheek meat" means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20% of trimmable fat when taken from cattle and hogs.

"Condiments" means pepper, pimientos, pickles, onions, nuts, macaroni, cheese, olives, peanut butter, tomatoes, puree, eggs, etc.

"Cooked" means a sausage which (1) has been heated to an internal temperature of at least 145° F., for sufficient time to assume the characteristics of a cooked product and (2) is ready to serve without further heating.

"Extender" means any cereal, vegetable starch, vegetable flour, dried or dry skimmed milk, or any other similar substance, either singly or in any combination.

"Fat content" means the fat content of the finished product by chemical analysis.

"Federal inspection" means inspection under the provisions of the Act of March 4, 1907 (34 Stat. 1260) as amended; 21 U. S. C. 1940 ed. 71, and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

"Finished weight" means the weight of the product when shipped or when ready for shipment.

"Goat" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of goats in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Head meat" means the lean meat, exclusive of cheek meat, trimmed from the heads of cattle, calves, sheep, and hogs.

"Kosher sausage" means sausage which is made from skeletal meat, and detached beef fat derived from animals slaughtered, approved and stamped as kosher under rabbinical supervision and which is marked as kosher and sold under rabbinical supervision to a person who maintains a selling establishment, at or through which he regularly and generally sells kosher meat as such, or to a person who is a purveyor of kosher meats.

"Major ingredient" means an ingredient which predominates in weight over any single minor ingredient.

"Meat, skeletal" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass of cattle, swine, sheep, and calves, in good health at the time of slaughter, including head and cheek meat from cattle or swine.

"Meat by-products" means dressed edible parts other than skeletal meat derived from cattle, calves, sheep or swine in good health at the time of slaughter. It includes by-products from goats where expressly so provided.

"Mutton" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of lambs or sheep in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Pork" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of swine in good health at the time of slaughter. It includes skinned jowls but does not include clear plates, fat backs, or any other fat which has been detached from the striated muscle.

"Pork fat" means the detached fat from the carcass of pork, including clear plates and fat backs.

"Sausage" means chopped, ground, or comminuted skeletal meat, or meat by-products, or any combination thereof, seasoned with spices and/or condiments, and to which salt, sugar, sodium nitrate, sodium nitrite, and extender may or may not be added.

"Smoked" means a sausage which has been subjected to the smoke of burning wood, sawdust or similar substance in such manner as to impart a smoked flavor.

"Veal" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of veal or calves in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Yield" means the finished weight divided by the original weight of the meat, meat by-products and extender used and expressed as a percentage.

[Paragraph (b) amended by Am. 3, 8 F.R. 8185; Am. 7, 8 F.R. 11956, effective 8-27-43; Am. 8, 8 F.R. 13340, effective 10-5-43; Am. 9, 8 F.R. 15192, effective 11-8-43; and Am. 10, 8 F.R. 16597, effective 12-14-43]

(c) *Bologna and frankfurters.* "Bologna" means a sausage stuffed in beef casings, including bungs, bladders, rounds, weasands, middles, and sewed middles, or any artificial casings of a similar size, which has been smoked and cooked. It does not include Lebanon bologna.

"Frankfurters" means a sausage stuffed in sheep casings, hog casings, or in artificial casings of a similar size, which has been smoked and cooked. It includes all products commonly known as wieners, red hots, and other similar names. If artificial casings are used they must be either removed before sale

or have printed on them the words, "Before Heating or Eating Remove Artificial Casings," repeated so as to appear at least once on each link or piece.

"Type 1 frankfurters or bologna" means sausage which has as major ingredients, other than spices, condiments, and water, any two or more of the following: Beef, pork, veal, pork cheek meat, pork head meat, mutton; which may have pork fat as a minor ingredient; which has a fat content not in excess of 35%; which contains no more than 10% added moisture or water; and which contains no extender.

"Type 2 frankfurters or bologna" means sausage that is the same as type 1 except that it may contain extender not exceeding 3½% of the finished weight.

"Type 3 frankfurters or bologna" means sausage (i) which contains one or more of the following as major ingredients: Beef, pork, veal, pork cheek meat, pork head meat, beef cheek meat, beef head meat, mutton and goat meat, and not more than one other meat, or meat by-product, as a minor ingredient; or which contains two or more of the listed items as major ingredients and not more than three other meats or meat by-products as minor ingredients; or which contains three or more of the listed items as major ingredients and not more than five other meats or meat by-products as minor ingredients, (ii) which has a fat content not in excess of 35 percent, (iii) which may contain extender not exceeding 3½ percent, and (iv) which contains no more than 10 percent of added moisture or water. Meat by-products from goats may be used as minor ingredients, but in no case may the quantity of any minor ingredient used be greater than the quantity of any one of the required major ingredients.

"Type 4 frankfurters or bologna" means sausage containing any proportions of meat and meat by-products, including that derived from goats, and which may contain extender not exceeding 15% of the finished weight.

"All beef frankfurters, bologna, and knackwurst" means smoked sausage containing no meat other than beef and beef fat; and containing no meat by-products; which has a fat content not in excess of 25% which contains no more than 10% added moisture or water; which contains no extender; and which has been made under federal inspection;

"All beef salami" means smoked sausage stuffed in artificial casings containing no meat other than beef and beef fat; and containing no meat by-products; which has the texture, form and flavor customary for salami made in accordance with good commercial practice; which has a fat content not in excess of 15%; which has a final yield not in excess of 85%; which contains no extender; and which has been made under federal inspection.

[Paragraph (c) amended by Am. 1, 8 F.R. 6958, effective 5-24-43; Am. 3, 8 F.R. 8185; Am. 7, 8 F.R. 11956, effective 8-27-43; Am. 8, 8 F.R. 13340, effective 10-5-43; and Am. 9, 8 F.R. 15192, effective 11-8-43]

(d) "Pork or breakfast sausage" means sausage sold in bulk, or stuffed in sheep, hog or artificial casings, or packed in a sealed, printed heavy cardboard waxed cup, sealed printed cardboard carton, or sealed printed wrapper made from cellophane, parchment or other moisture resistant paper, with such cup, carton or wrapper having the sausage manufacturer's brand name or trade-mark printed thereon. Such sausage includes all sausage of the kinds commonly known as pure pork sausage, breakfast sausage or country sausage. If artificial casings other than cloth bags are used on smoked pork or smoked breakfast sausage, they must either be removed before sale or have printed on them the words, "Before Heating or Eating, Remove Artificial Casing", repeated so as to appear at least once on each link or piece. Fresh pork or breakfast sausage shall be considered bulk sausage if it is enclosed in an unprinted cup, carton or wrapper, or if more than one pound of such sausage is enclosed in an artificial casing, printed cup, carton or wrapper.

"Type 1 special pork sausage" means sausage made from pork which contains at least 45% of boneless hams, shoulders and loins, stuffed into sheep or lamb casings, or sold as bulk sausage meat; which is packed in one-pound cartons, on which shall be a printed statement that the sausage contains at least 45% of boneless hams, shoulders and loins; which contains no extender; to which water or ice not exceeding 3% may be added to facilitate chopping; and which has been made under federal inspection.

"Type 2 fresh pork sausage" means sausage made from pork which has a fat content not in excess of 50 percent, which contains no extender and which has yield not in excess of 100 percent.

"Type 3 fresh breakfast sausage" means a sausage which is made from skeletal meat of swine as a major ingredient and no more than two other meats and meat by-products as minor ingredients, except that detached beef fat may not be used, which has a fat content not in excess of 30 percent, which has a yield not in excess of 100 percent and which may contain no more than 3½ percent of extender. The quantity of each minor ingredient shall be less than the quantity of the major ingredient.

"Type 4 fresh breakfast sausage" means sausage made from any proportions of fresh meat and meat by-products, including that derived from goats, and which may contain extender not in excess of 15% of the finished weight. Water or ice may be added.

"Type 2 smoked pork sausage" means sausage made from pork, cured before or during processing, stuffed in hog casings or artificial casings, with a fat content not in excess of 45%, and with a final yield not in excess of 88%. It shall not contain extender.

"Type 3 smoked sausage" means sausage made from the same meat and meat by-product ingredients as permitted in Type 3 fresh breakfast sausage, but cured before or during processing, stuffed in hog casings, beef rounds or artificial casings. It shall have a fat content not in excess of 45%, and a yield not in excess of 90%, and it may contain extender not exceeding 3½% of the finished weight.

"Type 4 smoked sausage" means sausage made from any proportions of meat and meat by-products, including that derived from goats, cured before or during processing, and stuffed in hog casings, beef rounds or artificial casings. It may contain extender not exceeding 15% of the finished weight. Water or ice may be added.

[Paragraph (d) amended by Am. 1, effective 5-24-43; Am. 3; Am. 7, effective 8-27-43, Am. 9, effective 11-8-43; and Am. 11, 9 F.R. 2239, effective 2-25-44]

(e) "Kosher frankfurters, bologna and knackwurst" means kosher sausage which has been smoked and cooked in the smokehouse; which is stuffed in casings; which has a fat content not in excess of 25%; which contains no more than 10% added moisture or water; and which contains no extender.

"Kosher salami" means kosher sausage which has been smoked and cooked in the smoke-house; which has the texture, form and flavor customary for salami made in accordance with good commercial practice, stuffed in artificial casings; which has a fat content not in excess of 15%; which has a final yield not in excess of 85%; and which contains no extender.

[Paragraph (e) added by Am. 7, 8 F.R. 11956, effective 8-27-43]

(f) *Loaf.* "Loaf" means a product made of chopped, ground or comminuted meat or meat by-products or any combination thereof; seasoned; prepared in loaf form; with condiments added if desired; cooked; which has sufficient stability to withstand handling; and which is stuffed in artificial casings or packed in sealed printed cardboard cartons, or sealed printed wrappers made from cellophane, parchment or other moisture resistant paper, with such cartons or wrappers having the loaf manufacturer's brand name or trademark printed thereon. The use of caul fat as a covering does not make caul fat an ingredient within the meaning of this regulation.

"Type 1 loaf" means a loaf which is made of pork; which has a fat content not in excess of 10 percent; which has a yield not in excess of 100 percent; and which contains no extender.

"Type 2 loaf" means a loaf which has at least 80 percent pork as the major ingredient and any combination of one or more of beef, veal, pork cheek meat, pork head meat and mutton as minor ingredients; which has a fat content not in excess of 15 percent; which contains no more than 5 percent of added moisture or water; and which contains no more than 15 percent of extender.

"Type 3 loaf" means a loaf which is made of any combination of pork, beef, veal, pork cheek meat, pork head meat; and mutton; which has a fat content not in excess of 30 percent; which contains no more than 20 percent of added moisture or water; and which contains no more than 15 percent of extender.

"Type 4 loaf" means a loaf which is made of any combination of meat and meat by-products, including those derived from goats; which contains no more than 15 percent of extender; and

which contains no more than 20 percent of added moisture or water.

(g) *Liver products.* "Braunschweiger" means a sausage which is made of at least 30 percent livers; which may include any combination of one or more of pork, beef, veal, pork fat or beef fat; which is stuffed in hog bungs measuring one and 14/16 inches or more in diameter at a point 20 inches from the crown, or in sewed hog bungs, or in hog middles not over 12 inches long, or in artificial casings; which is smoked and cooked; which has a fat content not in excess of 40 percent; which has a yield not in excess of 102 percent in hog casings and not in excess of 95 percent in artificial casings; and which contains no extender.

"Smoked liver sausage" means a sausage which is made of at least 30 percent livers; which may include any combination of meat and meat by-products; which is stuffed in hog bungs measuring not less than one and 11/16 inches in diameter at a point 20 inches from the crown, or in sewed hog bungs, or in artificial casings; which is smoked and cooked; which has a yield not in excess of 100 percent in hog bungs and not in excess of 93 percent in artificial casings; and which contains no more than 3½ percent of extender.

"Fresh liver sausage" means a sausage which is made of at least 30 percent livers; which may include any combination of meat and meat by-products; which is stuffed in hog bungs, beef casings or artificial casings; which is cooked; which has a yield not in excess of 102 percent in hog bungs or 95 percent in beef casings or artificial casings; and which contains no more than 3½ percent of extender.

"Liver cheese" means a loaf which is made of at least 30 percent livers; which may include any combination of one or more of pork, beef, veal, pork fat or beef fat; which has a fat content not in excess of 40 percent; which has a yield not in excess of 88 percent; and which contains no extender.

"Liver loaf" means a loaf which is made of at least 30 percent livers; which may include any combination of meat and meat by-products; which has a yield not in excess of 95 percent; and which contains no more than 3½ percent of extender.

"Liver pudding" means a product which is made of at least 30 percent livers; which may include any combination of meats and meat by-products; which is cooked; which is stuffed in beef casings or artificial casings; or packed in sealed printed cardboard cartons, or sealed printed wrappers made from cellophane, parchment or other moisture resistant paper, with such cartons or wrappers having the liver pudding manufacturer's brand name or trademark printed thereon; which has a yield not in excess of 100 percent; and which contains no more than 15 percent of extender.

(h) *Miscellaneous sausage items.* "Lebanon bologna" means an all beef sausage containing no meat other than beef and beef fat; which is stuffed in beef casings or artificial casings; which is smoked not less than 144 hours; which has a fat content not in excess of 12 percent; which has a yield not in excess of 88 percent; which contains no extender; and which has been made under Federal inspection.

"New England" means a sausage which is made of at least 85 percent pork as the major ingredient and one of the following as the minor ingredient: beef, pork cheek meat or pork head meat; which is stuffed in beef casings or artificial casings; which is smoked and cooked; which has a fat content not in excess of 10 percent; which has a yield not in excess of 98 percent; and which contains no extender.

"Minced luncheon" means a sausage which contains pork as the major ingredient and a combination of one or more of beef, veal, pork head meat, pork cheek meat and mutton as minor ingredients; which is stuffed in beef casings or artificial casings; which is smoked and cooked; which has a fat content not in excess of 35 percent; which contains no more than 3 percent of added moisture or water; and which contains no extender.

"Berliner" or "Berlin" means a sausage which is made of one or more of pork, beef, veal, pork cheek meat, pork head meat and mutton in any combination, or of any three of these meats as major ingredients and one of hearts, beef head meat or beef cheek meat as a minor ingredient; which is stuffed in beef casings or artificial casings; which has a fat content not in excess of 25 percent; which contains no more than 5 percent of added moisture or water; and which contains no more than 3½ percent of extender.

"Polish" means a sausage which is made primarily from lean skeletal meat, including pork cheek meat and pork head meat, and which is stuffed in hog casings, or artificial casings of a similar size which are removed before sale.

"Type 1 Polish" means a sausage which is made of at least 80 percent pork as the major ingredient and one of beef, veal, pork cheek meat or pork head meat as a minor ingredient; which is smoked and cooked; which has a fat content not in excess of 25 percent; which has a yield not in excess of 95 percent; and which contains no extender.

"Type 2 Polish" means a sausage which has skeletal pork as the major ingredient; which may include any combination of one or more of beef, veal and mutton as minor ingredients; which is smoked and cooked; which has a fat content not in excess of 30 percent; which has a yield not in excess of 95 percent; and which contains no extender.

"Type 3 Polish" means a sausage which is made of any two or more of beef, veal, mutton, pork, pork cheek meat and pork head meat as major ingredients, with any combination of meats and meat by-products as minor ingredients; or any one of the listed items as the major ingredient, with no more than four other meats and meat by-products as minor ingredients; which is smoked and cooked; which has a fat content not in excess of 35 percent; which contains no added moisture or water; and which contains no more than 3½ percent of extender.

[Paragraphs (f), (g), and (h) added by Am. 10, 8 F.R. 16597, effective 12-14-43]

SEC. 14 *Description of zones.*

Zone 1: Washington, Oregon, California and Nevada.

Zone 2: Idaho, Montana, Wyoming, Utah and Arizona.

Zone 3: Colorado and New Mexico.

Zone 4: North Dakota, Oklahoma and Texas.

All that portion of Wisconsin north and west of and including the counties of Iron, Price, Taylor, Rusk, Barron and Polk.

All that portion of Minnesota north of and including the counties of Chisago, Anoka, Sherburne, Stearns, Meeker, Kandiyohi, Swift and Big Stone.

All that portion of South Dakota north and west of and including the counties of Roberts, Grant, Day, Brown, Edmunds, Walworth, Potter, Hyde, Buffalo, Brule, Lyman and Gregory.

All that portion of Nebraska west of and including the counties of Keyapaha, Rock, Loup, Custer, Dawson, Phelps and Harlan.

All that portion of Kansas west and south of and including the counties of Phillips, Rocks, Ellis, Rush, Barton, Ellsworth, Saline, Dickinson, Norris, Lyon, Osage, Franklin and Miami.

All that portion of Missouri south and west of and including the counties of Cass, Johnson, Pettis, Cooper, Moniteau, Cole, Callaway, Montgomery, Warren, Franklin, Washington, St. Francois, Madison, Wayne and Butler.

Zone 4-A: All that portion of Wisconsin south and west of and including the counties of St. Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon and Crawford.

All that portion of Minnesota south of and including the counties of Washington, Ramsey, Hennepin, Wright, McLeod, Renville, Chippewa and Lac qui Parle.

All that portion of South Dakota south and east of and including the counties of Deuel, Codington, Clark, Spink, Faulk, Hand, Jerauld, Aurora and Charles Mix.

All that portion of Nebraska east of and including the counties of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin.

All that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas and Johnson.

All that portion of Missouri west and north of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Boone, Howard, Saline, Lafayette and Jackson.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

Zone 5: All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

All that portion of Illinois north and west of an including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, City of St. Louis and Jefferson.

The following counties in Indiana: Lake, Newton, Benton and Warren.

Zone 6: The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa and Berrien.

Indiana except the counties of Lake, Newton, Benton and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton Washington and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg and Todd.

The following counties of Tennessee: Lake Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

The State of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin and Iberia.

Zone 7: The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan.

All the portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar.

[Above paragraph added by Am. 1, 8 F.R. 6958, effective 5-24-43]

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo and Issaquena.

Zone 8: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broome; but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

Zone 9: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

Zone 10: All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation shall become effective June 1, 1943.

[Effective date as amended by Am. 2, 8 F.R. 6945, effective 5-22-43]

[MPR 389 originally issued May 5, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

Issued this 14th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3611; Filed, March 15, 1944; 11:42 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 353, Amdt. 1]

INSULATION CAMBRIC AND SEPARATOR CLOTH

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 353 is amended in the following respects:

1. Paragraph (a) (2) (ii) of Article III, Appendix A, is amended to read as follows:

(ii) The established maximum price for seamless bias-cut tubing cut to a width of 37 to 39 inches shall be the established maximum price of the uncut tubing divided by the following factors:

Angle of cut	Where uncut tubing is 7 yards or less per pound	Where uncut tubing is over 7 yards per pound
45°----------	1.4	1.27
60°----------	2.0	1.79

2. Table I of Article III, Appendix A, is amended to read as follows:

TABLE I.—FINISHED INSULATION CAMBRIC

Type of cloth	Margins in cents per linear yard		
	Regular finish	Soft finish	Bleached finish
Print cloth, carded, 60"x45" to 80"x85", inclusive----	2.80	2.65	3.00
Sheetings, carded, 2.00 yards to 5.00 yards inclusive----	2.80	2.65	3.00
Lawns, carded and combed----	3.25	2.70	3.45
Seamless tubing cut at either a 60° or 45° angle to a width of 37" to 39"-			
(1) 7 yards or less----	5.70	----------	----------
(2) Over 7 yards----	8.45	----------	----------

This amendment No. 1 shall become effective March 21, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3616; Filed, March 15, 1944; 11:43 a. m.]

PART 1436—PLASTICS AND SYNTHETIC RESINS

[MPR 519]

THERMOSETTING PLASTIC LAMINATES

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1436.52 *Maximum prices for thermosetting plastic laminates.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price

*Copies may be obtained from the Office of Price Administration.

Regulation No. 519 (Thermosetting Plastic Laminates), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1436.52 issued under 56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 519—THERMOSETTING PLASTIC LAMINATES

Sec.

SECTION 1. *Prohibition against sales above maximum prices.* (a) On or after March 21, 1944, regardless of any contract or other obligation:

(1) No manufacturer shall sell or deliver thermosetting plastic laminates at prices higher than the maximum prices established by this regulation.

(2) No person shall buy or receive, in the course of trade or business, thermosetting plastic laminates at prices higher than the maximum prices established by the regulation.

(3) No person shall ask, offer, solicit, or attempt to do any of the foregoing.

(b) The buyer shall be deemed to have complied with this section if, prior to payment, he obtains from the seller a written statement that to the best of the seller's knowledge the price does not exceed the maximum price established by this regulation and that the seller has fully complied with this regulation, and if the buyer has no reason to doubt the truth of the statement.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this to other maximum price regulations*—(a) *Maximum Price Regulation No. 406.*[1] The provisions of this regulation supersede the provisions of Maximum Price Regulation No. 406 with respect to sales and deliveries for which maximum prices are established by this regulation, except as otherwise specifically provided in this regulation.

(b) *General Maximum Price Regulation.*[2] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation (including Order No. 229 under § 1499.3 (b) issued thereunder) with respect to sales and deliveries for which maximum prices are established by this regulation, except as otherwise specifically provided in this regulation.

(c) *Sales to United States agencies (Revised Supplementary Regulation No. 1 applicable).* The exceptions to the General Maximum Price Regulation set forth in Article IV of Revised Supplementary Regulation No. 1, for certain sales and deliveries to the United States or any of its agencies and to certain foreign governments and their agencies, shall also constitute exceptions to this regulation insofar as the commodities and transactions there excepted would otherwise have been subject to this regulation.

(d) *Imports (Maximum Import Price Regulation[3] applicable).* The provisions of this regulation shall not apply and the Maximum Import Price Regulation shall apply to the purchases, sales or deliveries of thermosetting plastic laminates, if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the Maximum Import Price Regulation.

(e) *Exports (Second Revised Maximum Export Price Regulation[4] applicable).* The maximum prices at which a person may export thermosetting plastic laminates shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

SEC. 5. *Geographical applicability.* This regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 6. *Maximum prices*—(a) *In general.* The maximum prices for thermosetting plastic laminates sold or delivered by a manufacturer after March 20, 1944, shall be the prices established in Appendix A of this regulation plus or minus the discounts, premiums, or other items provided for in the discount lists, and subject to the practices as to payment of transportation costs, provisions for containers, trade practices and terms of sale in effect on January 1, 1941, for that manufacturer.

(b) *Reports.* Each manufacturer of thermosetting plastic laminates subject to the provisions of this regulation shall file with the Chemicals and Drugs Price Branch, Office of Price Administration, Washington, D. C., a statement showing all discounts, premiums, or other items provided for in the discount lists, practices as to payment of transportation costs, provisions for containers, trade practices and terms of sale applicable on January 1, 1941, to the list prices of thermosetting plastic laminates offered for sale by said manufacturer. The statement required by this section shall be filed on or before April 21, 1944, and may be in the form of published statements if such published statements are complete.

(c) *Incomplete discount lists.* If such provisions for computing net prices to purchasers were incomplete on January 1, 1941, the manufacturer shall establish complete provisions. Before such provisions may be used in computing a price, and before any sale or delivery at such a price, the provisions must be submitted to and approved in writing by the Office of Price Administration. No newly established provisions will be approved that are not representative of the general practice in the industry on January 1, 1941.

SEC. 7. *Maximum prices for "new" thermosetting plastic laminates*—(a) *Definition.* A "new" thermosetting plastic laminate is one made up of a combination of materials not used by the manufacturer for making a thermosetting plastic laminate offered for sale prior to March 21, 1944.

(b) *Maximum prices.* The maximum price for "new" thermosetting plastic laminates shall be determined pursuant to the price-determining method in use in the manufacturer's plant on January 1, 1941, or, if he had no such method on that date, that which he proposes to use, and must be in line with the maximum prices established by this regulation.

(c) *Reports.* Before any manufacturer may offer, sell, or deliver any "new" thermosetting plastic laminate, he shall submit to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington, D. C., a written statement containing a detailed description of the method used or proposed to determine prices for such products. The statement shall include a complete list of established and proposed prices, discounts, premiums, practices as to payment of transportation costs, provisions for containers, trade practices, and other items affecting the net price paid by the purchaser for the new laminates.

After mailing the statement, the manufacturer may make deliveries at prices not in excess of those reported. If, at the expiration of 20 days from the date of mailing the report, the manufacturer has not received from the Office of Price Administration a written disapproval of the reported proposed maximum prices, such prices shall be considered as authorized. If not approved, the Office of Price Administration may require refunds to be made.

The Price Administrator may by letter or otherwise adjust any such reported prices which he finds are not in conformity with the regulation or which he determines to be excessively high or not in line with the prices established by the regulation but, unless a written disapproval has been mailed to the manufacturer within said twenty-day period, not until after giving the manufacturer notice and a reasonable opportunity to present additional evidence. Such ad-

[1] 8 F.R. 8372, 10825, 12879.
[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.
[3] 8 F.R. 11681, 12237.
[4] 7 F.R. 10532; 8 F.R. 4132, 5987, 7662, 9998, 15193.

justed price shall not be retroactive unless written disapproval has been mailed to the manufacturer within said twenty-day period. No retroactive adjustment shall be made as to deliveries made between the end of said twenty-day period and the date the disapproval is received by the manufacturer.

SEC. 8. *Exclusion of "experimental" thermosetting plastic laminates*—(a) *Definition.* An "experimental" thermosetting plastic laminate is one made up of a combination of materials not used by the manufacturer for making a thermosetting plastic laminate offered for sale prior to March 21, 1944, and which has been made for test or experimental purposes. Such a laminate shall cease to be "experimental" as soon as the producer thereof has sold in excess of 1,000 pounds of laminates made from that combination of materials, in any one month.

(b) *Exclusion from maximum price regulation.* An "experimental" thermosetting plastic laminate shall not be subject to this or any other regulation issued by the Office of Price Administration in effect on March 21, 1944.

SEC. 9. *Records and reports*—(a) *Records.* Every person making sales or purchases of thermosetting plastic laminates in lots of 50 pounds or more for which maximum prices are established by this regulation, after March 20, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date, the name and address of the buyer and the seller, the price contracted for or received, and the quantity of each type and grade of thermosetting plastic laminates purchased or sold. This requirement may be met by preservation of invoices containing the listed information for the required period of time.

In addition, manufacturers shall keep records for the same period of time showing the computation pursuant to which maximum prices were established under this regulation.

(b) *Additional reports and records.* The persons subject to paragraph (a) shall submit such reports to the Office of Price Administration, and keep such other records in addition to, or in place of, the records required by that paragraph as the Office of Price Administration may from time to time require.

SEC. 10. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to thermosetting plastic laminates, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 11. *Licensing and enforcement*—(a) *Licensing.* The provisions of Licensing Order No. 1,[5] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 12. *Definitions.* (a) When used in this regulation the term:

(1) "Manufacturer" means any person engaged in the manufacture or production of thermosetting plastic laminates, and includes any person affiliated with, subject to the control of, acting as agent for, or selling on the behalf of such manufacturer.

(2) "Thermosetting plastic laminates" means the sheets, rods and tubes with the specifications set forth in the Appendix of this regulation and which are made by impregnating paper, fabric or a like material with a thermosetting phenolic, cresylic, urea or melamine type resin and subjecting to heat with or without pressure.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation shall apply to other terms and used herein.

SEC. 13. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[6]

APPENDIX A—MAXIMUM LIST PRICES FOR THERMOSETTING PLASTIC LAMINATES

(a) *Sheets, maximum list prices per pound.*

Thickness of sheets	N.E.M.A. standard limits	Close limits or sanded surfaces
0.010" and under	$3.60	$3.60
Over 0.010" to 0.015" inc.	3.50	4.40
Over .015" to .025" inc.	3.00	3.65
Over .025" to .035" inc.	2.85	2.75
Over .035" to .050" inc.	2.20	2.55
Over .050"	2.00	2.20

These prices apply to all colors and grades in standard sheets or half sheets only.

(b) *Rods, maximum list prices per foot*—(1) *Round rods.*

Diameter of rod in inches	Price per foot	Diameter of rod in inches	Price per foot
1/4 and under	$0.39	1 1/16	$4.33
5/16	.44	1 1/8	4.96
3/8	.52	1 1/4	6.19
7/16	.64	1 3/8	7.02
1/2	.77	2	8.63
9/16	.91	2 1/4	10.94
5/8	1.03	2 1/2	13.50
11/16	1.22	2 3/4	16.24
3/4	1.41	3	19.44
7/8	1.77	3 1/4	22.82
1	2.16	3 1/2	26.46
1 1/8	2.62	3 3/4	30.53
1 1/4	3.08	4	34.56
1 3/8	3.69		

These prices apply to all colors and grades in standard lengths. Intermediate diameters take the price of the next larger listed size.

(2) *Other rods.* Maximum prices for rods of special section (e. g. square, rectangular, triangular, oval, etc.) shall be 110 per cent of the maximum prices above for round rods of the same periphery.

(c) *Tubes, maximum list prices per foot*—(1) *Round tubes.*

Inside diameter (inches)	Thickness of wall (inches)																			
	1/32	1/16	3/32	1/8	5/32	3/16	7/32	1/4	5/16	3/8	7/16	1/2	9/16	5/8	11/16	3/4	7/8	1	1 1/4	1 1/2
3/16	$0.34	$0.35	$0.40	$0.46	$0.53	$0.62	$0.71	$0.80	$1.05	$1.32	$1.65	$2.02	$2.39	$2.83	$3.20	$3.80	$4.92	$6.21	$9.44	$12.90
1/4	.35	.37	.43	.50	.58	.68	.78	.89	1.15	1.44	1.78	2.17	2.57	3.02	3.51	4.03	5.19	6.52	9.82	13.37
5/16	.36	.39	.46	.54	.63	.74	.85	.97	1.25	1.55	1.92	2.32	2.75	3.22	3.72	4.26	5.46	6.83	10.21	13.84
3/8	.38	.41	.49	.58	.68	.80	.92	1.06	1.35	1.67	2.06	2.47	2.92	3.41	3.93	4.49	5.74	7.14	10.60	14.31
7/16	.39	.43	.52	.63	.74	.86	.99	1.14	1.44	1.79	2.19	2.63	3.09	3.60	4.14	4.72	6.01	7.45	10.98	14.78
1/2	.40	.45	.55	.67	.79	.92	1.05	1.21	1.54	1.90	2.33	2.78	3.27	3.80	4.36	4.95	6.28	7.76	11.37	15.25
9/16	.41	.47	.58	.71	.84	.98	1.13	1.29	1.63	2.02	2.47	2.94	3.45	3.99	4.57	5.18	6.55	8.07	11.75	15.72
5/8	.42	.49	.61	.75	.89	1.04	1.20	1.37	1.73	2.14	2.60	3.10	3.62	4.19	4.79	5.42	6.83	8.38	12.14	16.19
11/16	.43	.52	.64	.79	.94	1.10	1.27	1.46	1.83	2.26	2.74	3.25	3.80	4.38	5.01	5.66	7.10	8.69	12.53	16.65
3/4	.45	.54	.67	.83	.99	1.16	1.34	1.54	1.93	2.37	2.87	3.41	3.97	4.58	5.22	5.89	7.37	9.00	12.91	17.13
13/16	.47	.56	.71	.87	1.04	1.22	1.41	1.61	2.02	2.48	3.00	3.56	4.14	4.77	5.43	6.12	7.64	9.31	13.30	17.59
7/8	.48	.58	.74	.91	1.09	1.28	1.48	1.70	2.12	2.60	3.14	3.72	4.32	4.97	5.64	6.36	7.91	9.62	13.69	18.06
15/16	.49	.61	.77	.95	1.14	1.34	1.55	1.77	2.22	2.72	3.28	3.87	4.49	5.16	5.85	6.59	8.18	9.93	14.08	18.53
1	.50	.63	.80	.99	1.19	1.40	1.62	1.85	2.32	2.84	3.42	4.03	4.67	5.35	6.07	6.83	8.46	10.24	14.46	19.00
1 1/16	.51	.65	.84	1.03	1.24	1.47	1.69	1.93	2.41	2.96	3.55	4.18	4.84	5.54	6.28	7.06	8.73	10.55	14.85	19.46
1 1/8	.53	.67	.87	1.08	1.30	1.53	1.76	2.02	2.51	3.07	3.69	4.33	5.02	5.74	6.49	7.29	9.00	10.86	15.24	19.93
1 3/16	.55	.69	.90	1.13	1.35	1.59	1.83	2.10	2.61	3.19	3.83	4.49	5.20	5.93	6.71	7.52	9.27	11.17	15.63	20.40
1 1/4	.56	.71	.94	1.17	1.40	1.65	1.90	2.18	2.70	3.31	3.96	4.65	5.37	6.12	6.92	7.75	9.54	11.48	16.02	20.87
1 5/16	.57	.73	.97	1.22	1.45	1.72	1.97	2.26	2.80	3.43	4.10	4.80	5.54	6.31	7.14	7.98	9.81	11.80	16.40	21.34
1 3/8	.59	.75	1.00	1.26	1.50	1.78	2.04	2.34	2.90	3.55	4.23	4.96	5.72	6.51	7.35	8.21	10.08	12.11	16.79	21.81
1 7/16	.60	.77	1.03	1.29	1.55	1.84	2.12	2.42	3.00	3.68	4.39	5.11	5.90	6.71	7.56	8.44	10.35	12.41	17.18	22.28
1 1/2	.62	.79	1.06	1.33	1.60	1.90	2.19	2.50	3.10	3.77	4.50	5.27	6.07	6.91	7.77	8.67	10.62	12.72	17.57	22.75
1 9/16	.63	.81	1.09	1.37	1.65	1.96	2.26	2.58	3.19	3.89	4.64	5.43	6.24	7.11	7.98	8.91	10.89	13.03	17.96	23.22
1 5/8	.64	.84	1.12	1.41	1.70	2.02	2.33	2.66	3.29	4.01	4.78	5.59	6.42	7.30	8.19	9.14	11.16	13.34	18.35	23.69
1 11/16	.65	.86	1.15	1.46	1.75	2.08	2.40	2.74	2.39	4.13	4.92	5.74	6.59	7.49	8.40	9.37	11.43	13.65	18.74	24.15
1 3/4	.67	.88	1.18	1.50	1.81	2.14	2.47	2.82	3.49	4.24	5.05	5.90	6.79	7.68	8.62	9.60	11.70	13.96	19.14	24.61

[5] 8 F.R. 13240. [6] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

Inside diameter (inches)	Thickness of wall (inches)																			
	1/32	1/16	3/32	1/8	5/32	3/16	7/32	1/4	5/16	3/8	7/16	1/2	9/16	5/8	11/16	3/4	7/8	1	1 1/4	1 1/2
1 13/16	$0.69	$0.90	$1.21	$1.54	$1.86	$2.20	$2.54	$2.90	$3.58	$4.36	$5.19	$6.05	$6.93	$7.87	$8.84	$9.84	$11.97	$14.27	$19.61	$23.08
1 7/8	.70	.92	1.24	1.58	1.91	2.26	2.61	2.98	3.67	4.48	5.32	6.21	7.11	8.07	9.06	10.07	12.25	14.60	19.62	23.55
1 15/16	.71	.94	1.28	1.62	1.96	2.32	2.68	3.06	3.77	4.60	5.46	6.38	7.29	8.27	9.27	10.31	12.53	14.91	20.30	26.03
2	.73	.97	1.31	1 66	2.02	2.38	2.75	3.14	3.87	4.72	5.60	6.55	7.47	8.47	9.43	10.55	12.81	15.22	20.68	26.51
2 1/8	-------	1.01	1.37	1.74	2.12	2.50	2.88	3.30	4.06	4.95	5.86	6.88	7.81	8.85	9.91	11.02	13.35	15.84	21.41	27.44
2 1/4	-------	1.05	1.44	1.82	2.22	2.62	3.02	3.47	4.26	5.18	6.13	7.18	8.16	9.24	10.34	11.48	13.90	16.46	22.20	28.37
2 3/8	-------	1.09	1.50	1.91	2.32	2.74	3.16	3.63	4.45	5.41	6.40	7.48	8.50	9.63	10.77	11.95	14.44	17.09	22.97	29.31
2 1/2	-------	1.14	1.56	1.98	2.42	2.86	3.31	3.79	4.65	5.64	6.67	7.78	8.85	10.01	11.20	12.41	14.99	17.72	23.73	30.25
2 5/8	-------	1.18	1.62	2.07	2.52	2.99	3.45	3.95	4.84	5.87	6.94	8.08	9.20	10.40	11.63	12.88	15.53	18.34	24.50	31.18
2 3/4	-------	1.23	1.68	2.15	2.62	3.11	3.59	4.11	5.04	6.10	7.21	8.33	9.55	10.79	12.06	13.34	16.08	18.96	25.26	32.12
2 7/8	-------	1.27	1.75	2.23	2.72	3.23	3.73	4.27	5.23	6.33	7.48	8.69	9.90	11.18	12.49	13.81	16.62	19.59	26.02	33.06
3	-------	1.31	1.81	2.31	2.83	3.35	3.87	4.43	5.42	6.56	7.75	9.00	10.25	11.57	12.92	14.27	17.17	20.22	26.79	33.99
3 1/4	-------	1.35	1.87	2.40	2.93	3.47	4.01	4.59	5.62	6.79	8.02	9.31	10.60	11.96	13.25	14.74	17.71	20.84	27.56	34.92
3 1/2	-------	1.40	1.93	2.48	3.03	3.59	4.15	4.75	5.81	7.02	8.29	9.62	10.95	12.35	13.69	15.20	18.26	21.47	28.32	35.85
3 3/4	-------	1.44	1.99	2.57	3.13	3.71	4.29	4.91	6.01	7.25	8.56	9.93	11.30	12.74	14.13	15.67	18.80	22.10	29.08	36.78
3 7/8	-------	1.49	2.05	2.65	3.23	3.83	4.43	5.07	6.20	7.48	8.83	10.24	11.65	13.13	14.57	16.13	19.35	22.72	29.85	37.71
4	-------	1.53	2.12	2.73	3.33	3.95	4.57	5.23	6.40	7.72	9.12	10.55	12.00	13.52	15.01	16.60	19.89	23.34	30.61	38.64
4 1/4	-------	1.57	2.18	2.81	3.43	4.08	4.71	5.39	6.59	7.96	9.39	10.86	12.36	13.90	15.45	17.06	20.44	23.97	31.38	39.57
4 1/2	-------	1.61	2.24	2.89	3.55	4.20	4.85	5.55	6.79	8.20	9.67	11.17	12.71	14.28	15.89	17.53	20.98	24.60	32.15	40.50
4 3/4	-------	1.66	2.31	2.98	3.67	4.32	4.99	5.72	6.99	8.44	9.94	11.49	13.06	14.66	16.33	18.00	21.52	25.22	32.91	41.43
5	-------	1.75	2.44	3.15	3.84	4.56	5.27	6.03	7.38	8.91	10.48	12.12	13.80	15.45	17.19	18.91	22.62	26.47	34.44	43.24
5 1/4	-------	1.83	2.56	3.32	4.04	4.80	5.56	6.34	7.77	9.38	11.02	12.74	14.49	16.24	18.05	19.83	23.71	27.73	35.97	45.11
5 1/2	-------	1.92	2.68	3.48	4.24	5.04	5.84	6.62	8.16	9.85	11.56	13.36	15.19	17.03	18.91	20.82	24.81	28.98	37.50	46.99
6	-------	2.01	2.81	3.65	4.45	5.28	6.12	6.98	8.55	10.32	12.10	13.98	15.89	17.82	19.77	21.77	25.90	30.23	39.03	48.85
6 1/2	-------	2.10	2.93	3.81	4.65	5.52	6.40	7.29	8.94	10.79	12.64	14.60	16.59	18.61	20.65	22.72	26.99	31.48	40.56	50.70
7	-------	2.18	3.05	3.98	4.86	5.77	6.68	7.61	9.33	11.26	13.19	15.22	17.29	19.40	21.49	23.66	28.10	32.74	42.09	52.56
7 1/2	-------	2.27	3.17	4.15	5.06	6.02	6.96	7.93	9.72	11.73	13.74	15.84	17.99	20.20	22.34	24.59	29.19	33.99	43.61	54.42
8	-------	2.35	3.30	4.31	5.27	6.26	7.24	8.25	10.11	12.20	14.29	16.45	18.69	21.00	23.20	25.53	30.26	35.24	45.14	56.28

These prices apply to all colors and grades in standard lengths.

(2) *Other tubes.* The maximum list prices for tubes of special section (e. g. square, rectangular, triangular, oval, etc.) shall be 110 percent of the price for the round tube of same wall thickness and inside periphery.

Effective date. This regulation shall become effective March 21, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3612; Filed, March 15, 1944; 11:42 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-8,[1] Amdt. 4]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN MISSOURI

The statement of the considerations involved in the issuance of this Amendment No. 4 to Restaurant Maximum Price Regulation No. 5-8 has been issued simultaneously herewith, and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation No. 5-8 is amended in the following respects:

1. Section 19 is amended to read as follows:

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations.

(2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the St. Louis District Office of the Office of Price Administration a statement in duplicate setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,[2] and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

(7) Any other information requested by the St. Louis District Office.

Applications for adjustment under this section will be acted upon by the St. Louis District Office of the Office of Price Administration.

This amendment shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 31st day of January 1944.

WILLIAM H. BRYAN,
District Director.

[F. R. Doc. 44-3614; Filed, March 15, 1944; 11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Order 8 Under 3 (c) to GMPR]

LYON METAL PRODUCTS, INC.

Order No. 8 under § 1499.3 (c) of the General Maximum Price Regulation is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, it is hereby ordered:

§ 1499.808 *Establishment of maximum prices for wooden lockers, cabinets, shoprobes, and shelving sold by Lyon Metal Products, Inc.* (a) Lyon Metal Products, Inc. of Aurora, Illinois, may sell, offer to sell, or deliver the wooden lockers, cabinets, shoprobes, and shelving manufactured by Kroehler Manufacturing Company, Naperville, Illinois, or McCray Refrigerator Company, Kendalville, Indiana, for which a maximum price has been approved by the Office of Price Administration for sales to Lyon Metal Products, Inc., at prices no higher than those set forth below:

(1) For sales of the following articles, manufactured by McCray Refrigerator Company, to the United States Government or its agencies, or upon priority ratings of AA-5 or better, to war plants

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15370, 15432, 15743, 16294.

[2] In counting the number of persons served, any one who was served more than once is to be counted separately for each occasion he was served.

needing these items for the performance of a Government contract or subcontract, the maximum prices are those set forth opposite each article as follows:

Article No. and description:	Price
65 and 68, 12" shelf and shelf bearers	$1.46
66 and 69, 18" shelf and shelf bearers	2.08
67 and 70, 24" shelf and shelf bearers	2.66
71, 12" top	1.55
72, 18" top	2.09
73, 24" top	2.60

(2) For all other sales of articles manufactured by Kroehler Manufacturing Company, or McCray Refrigerator Company, the maximum prices shall be those determined by applying a 40% mark-up to the sum of the following items of direct cost:

(i) Kroehler Manufacturing Company's or McCray Refrigerator Company's maximum price in effect prior to the issuance of Order No. 46 Under Revised Supplementary Order No. 9, for wood parts purchased by the applicant;

(ii) Cost of fittings purchased by the applicant;

(iii) Direct labor and material costs of fittings manufactured by the applicant.

(3) The maximum prices established by this Revised Order do not include installation charges.

(b) This Revised Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) This Revised Order No. 8 (§ 1499.808) shall become effective on the 16th day of March 1944.

(56 Stat. 23, 765, Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3613; Filed, March 15, 1944; 11:42 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGE AT GROSSE TETE, LA.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 are hereby extended to include The Texas and Pacific Railway Company bridge across Grosse Tete Bayou, at Grosse Tete, Louisiana, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

* * * * *

Grosse Tete Bayou, La.; The Texas and Pacific Railway Company bridge at Grosse Tete, La. (At least twenty-four hours' advance notice required.) (Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. November 8, 1943, CE 800.211 SPEKH, as amended March 6, 1944, CE 823 (Grosse Tete Bayou, Grosse Tete, La.) (Mile 14.7)—SPEWR].

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-3589; Filed, March 14, 1944; 4:32 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Solid Fuels Administration for War.

[Order 14]

REGIONAL REPRESENTATIVES IN NEW YORK AND NEW JERSEY AREAS

AUTHORIZATION TO ISSUE DIRECTIONS

It is necessary to provide for certain emergency shipments of coal to consumers performing work for the United States Navy in Regions Nos. 1 and 3 (as described in Appendix A of Solid Fuels Administration for War Revised Regulation No. 2). Because of their particular knowledge of conditions and needs in this respect in their regions, it is desirable that the regional representatives for these regions be empowered to issue certain directions. Accordingly, in order to effectuate the purposes of Executive Order No. 9332 and by virtue of the authority conferred by that order, the following order is issued:

Authorization to certain regional representatives to issue directions. Walter J. Dockerill, regional representative for Region No. 1, and Daniel F. Gallagher, regional representative for Region No. 3, are hereby authorized to issue, in their own names, to retail coal dealers within their respective regions such directions pursuant to Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5332) as are necessary and proper to secure emergency shipments of bituminous coal, in less than carload lots, to industrial consumers in their respective regions engaged in performing work for the United States Navy upon certification of the need for such coal by the Inspector of Naval Material, Fuel and Power Unit, New York Ordnance District Office. This authorization is to continue until further notice.

This order shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 10th day of March 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-3594; Filed, March 15, 1944; 10:16 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[A. O. 339]

SPECIAL INDUSTRY COMMITTEE NO. 3 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION, AND APPOINTMENT OF REPRESENTATIVES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, William R. McComb, Acting Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Rafael Carrion from Special Industry Committee No. 3 for Puerto Rico and do appoint in his stead as representative for the employers on such Committee, Mr. P. J. Rosaly of San Juan, Puerto Rico.

Signed at Washington, D. C., this 10th day of March, 1944.

WILLIAM R. MCCOMB,
Acting Administrator.

[F. R. Doc. 44-3591; Filed, March 14, 1944; 4:38 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3531), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 29, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7830)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079)

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Anthracite Shirt Company, 1 South Franklin Street, Shamokin, Pennsylvania; work shirts, dress shirts; 10 percent (T); effective March 9, 1944, expiring March 8, 1945.

The Berkley Company, N. E. Corner 11th & Washington Avenue, Philadelphia, Pennsylvania; neckwear, sport shirts; 10 percent (T); effective March 9, 1944, expiring March 8, 1945.

Cumberland Manufacturing Company, Inc., Cadiz & Nichols Street, Princeton, Kentucky; shirts, work shirts, children's play suits; 10 percent (T); effective March 10, 1944, expiring March 9, 1945.

Merit Shirt Corporation, Herbert & Smith Streets, Perth Amboy, New Jersey; sport shirts and regular shirts; 5 learners (T); effective March 12, 1944, expiring March 11, 1945.

Parkesburg Dress Company, First Avenue at Gay Street, Parkesburg, Pennsylvania; ladies' cotton dresses; 10 learners (T); effective March 9, 1944, expiring March 8, 1945.

Practical Frocks, Inc., 1004 Elizabeth Avenue, Elizabeth, New Jersey; cotton housecoats, women's work clothes; 2 learners (T); effective March 9, 1944, expiring March 8, 1945.

HOSIERY INDUSTRY

Commonwealth Hosiery Mills, Randleman, North Carolina; seamless hosiery; 10 percent (AT); effective March 9, 1944, expiring September 8, 1944.

KNITTED WEAR INDUSTRY

Leininger Knitting Mills, Orwigsburg, Pennsylvania; gov't knitted shirts, men's, women's and boys' knitted underwear; 5 learners (T); effective March 9, 1944, expiring March 8, 1945.

Signed at New York, N. Y., this 11th day of March 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-3590; Filed, March 14, 1944; 4:38 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 131]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, March 10 or 11, 1944, by Gus Relias of car PFE 45093, tomatoes, now on the Chicago Produce Terminal, to Louisville, Kentucky.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of March 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-3620; Filed, March 15, 1944; 11:53 a. m.]

[S. O. 178, Special Permit 68]

SHIPMENT OF OLIVE OIL AT LINDSAY, CALIF.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.329, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of refrigerator cars with olive oil, in glass containers, by the Malaga Trading Company, Incorporated, at Lindsay, California, and the movement of refrigerator cars so loaded from that point to destinations in the United States and Canada.

This permit shall become effective at 12:01 a. m., March 12, 1944, and shall expire at 12:01 a. m., April 5, 1944.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of March 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-3619; Filed, March 15, 1944; 11:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 20 Under § 1499.19a of GMPR]

CORN SYRUP UNMIXED AND CRUDE CORN SUGAR

ADJUSTMENT OF MAXIMUM PRICES

Petitions have been filed requesting increases in the prices which the General Maximum Price Regulation establishes for "bulk" corn syrup unmixed and "bulk" crude corn sugar having a dextrose content of 80 percent or less. It is the contention of the petitioners that increases in the price of the corn ingredient have made the manufacture of these products unprofitable to such an extent that their continued manufacture and distribution are threatened.

It is the opinion of the Administrator that these petitions require further consideration; that authority to use adjustable pricing for sales of these products, pending final action on the requests for increases in the maximum prices, is necessary to retain their production and distribution; and that the granting of such authorization will not interfere with purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with § 1499.19a of the General Maximum Price Regulation, *It is ordered,* That:

(a) Pending final action of the Office of Price Administration respecting requests for increasing the prices of "bulk" corn syrup unmixed and "bulk" crude corn sugar having a dextrose content of 80 percent or less, sellers subject to the General Maximum Price Regulation may sell and deliver such products at prices to be adjustable to those resulting from final action of the Office of Price Administration. Denial of the requests now pending before this Office, or issuance of a regulation or amendment increasing the maximum prices of those products constitutes final action for purposes of this order. Prior to such final action, no price shall be paid in excess of the price prevailing on the date of delivery.

(b) As used in this order, the term:

(1) "Corn syrup unmixed" means corn syrup unmixed in all its commercial forms in bulk.

(2) "Crude corn sugar" means crude corn sugar in all its commercial forms in bulk commercially known as 70 and 80 sugars with maximum moisture content of 17½% and 12%, respectively, not including refined corn sugar.

(3) "Bulk" or "in bulk" means in tank cars, tank wagons, barrels, half-barrels, steel drums, in bags, in bulk in cars, or in other containers of more than ten pounds net weight.

(c) This order shall be automatically revoked upon the effective date of a price regulation or amendment issued by the Office of Price Administration increasing maximum prices for bulk sales of the commodities to which this order applies. It may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective March 14, 1944.

Issued this 14th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3593; Filed, March 14, 1944; 5:04 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-864]

K-T ELECTRIC AND WATER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of March 1944.

K-T Electric and Water Company, a subsidiary of Associated Electric Company, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, regarding the payment by K-T Electric and Water Company, out of its capital surplus, of a partial liquidating dividend in the amount of $200,000 on its 1,000 shares of capital stock, $1 par value per share, all of which is owned by Associated Electric Company; and

Said declaration having been filed on February 18, 1944, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said act, and the Commission not having receive a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings under section 12 (c) or any other applicable section of the act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-3598; Filed, March 15, 1944; 11:08 a. m.]

[File No. 70-27]

COLUMBIA GAS AND ELECTRIC CORP., ET AL.

ORDER PERMITTING WITHDRAWAL OF APPLICATIONS AND DECLARATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of March 1944.

In the matter of Columbia Gas & Electric Corporation, Columbia Corporation, The Union Light, Heat and Power Company,

Columbia Gas & Electric Corporation, a registered holding company, and its subsidiaries, Columbia Corporation and The Union Light, Heat and Power Company; having requested the withdrawal of their pending joint applications and declarations, and amendments thereto, involving, among other things, the issuance of common stock and notes by The Union Light, Heat and Power Company, the reduction of debt of said company, and the acquisition of certain of the securities by Columbia Gas & Electric Corporation and Columbia Corporations; and

It appearing to the Commission that such request for withdrawal of said applications and declarations should be granted;

It is ordered, That the request of Columbia Gas & Electric Corporation, Columbia Corporation and The Union Light, Heat and Power Company be, and the same hereby is, granted, and said applications and declarations, as amended, are hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-3599; Filed, March 15, 1944; 11:08 a. m.]

WAR FOOD ADMINISTRATION.

Commodity Credit Corporation.

AMERICAN CHEDDAR CHEESE

OFFER IN CONNECTION WITH PURCHASE AND SALE IN U. S.

The "Offer of Commodity Credit Corporation in Connection with the Purchase and Sale of American Cheddar Cheese in the United States", dated February 10, 1944 (9 F.R. 1685), is hereby made applicable to cheese produced during the period March 1–June 30, 1944, both dates inclusive.

Dated: March 14, 1944.

[SEAL] J. B. HUTSON,
President.

Attest:

BETTY S. MORROW,
Assistant Secretary.

[F. R. Doc. 44-3586; Filed, March 14, 1944; 3:43 p. m.]

DAIRY FEED PAYMENTS

OFFER FOR FEBRUARY 1944

For the purpose of carrying out its commitment heretofore made, the Commodity Credit Corporation will, subject to all the terms and conditions contained in Dairy Feed Form 1, as amended (8 F.R. 14939; 8 F.R. 15001; 9 F.R. 867), which are not hereby specifically altered, make dairy feed payments to eligible producers for the month of February 1944.

Application for such payments shall be filed not later than April 30, 1944, with the county AAA committee for the county in which the eligible dairy products were produced. Payments shall be made as soon as practicable after the filing of such applications.

The rates of payment shall be identical with the rates of payment specified in Dairy Feed Form 1, Amendment 2 (9 F.R. 867), except that the rates of payment to producers participating in the New York Metropolitan Marketing Area Pool shall not be reduced by reason of such participation.

The final date for the acceptance of applications for dairy feed payments for the months of October, November, and December 1943 is hereby extended through February 29, 1944. The final date for the acceptance of applications for payments for the month of January is hereby extended through March 31, 1944.

Dated: March 14, 1944.

[SEAL] COMMODITY CREDIT CORPORATION,
J. B. HUTSON,
President.

Attest:

BETTY S. MORROW,
Assistant Secretary.

[F. R. Doc. 44-3603; Filed, March 15, 1944; 11:24 a. m.]

DAIRY FEED PAYMENTS

FOR MARCH AND APRIL 1944

For the purposes of carrying out its commitment heretofore made, the Commodity Credit Corporation will, subject to all the terms and conditions contained in Dairy Feed Form 1, as amended, which are not hereby specifically altered, make dairy feed payments to eligible producers for the months of March and April 1944.

Application for such payments shall be filed not later than June 30, 1944, with the county AAA committee for the county in which the eligible dairy products were produced. Payments shall be made as soon as practicable after the filing of such applications.

The rates of payment with respect to whole milk shall be those shown on the attached Schedule C, which by this reference is made a part hereof. The rate of payment with repect to butterfat shall be 8 cents per pound.

Dated: March 14, 1944.

[SEAL] COMMODITY CREDIT CORPORATION,
J. B. HUTSON,
President.

Attest:

BETTY S. MORROW,
Assistant Secretary.

SCHEDULE C

Rates of Payment in the various States and counties to which this offer is applicable during the months of March and April are as follows:

Rate per Cwt. of Milk Delivered	
State and counties:	
Alabama:	*Cents*
Baldwin, Mobile	80
All other counties	60
Arizona: All counties	60
Arkansas: All counties	60
California: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Ventura	70
All other counties	60
Colorado: All counties	60
Connecticut: All counties	70
Delaware: All counties	60
Florida: All counties	80
Georgia: All counties	80
Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone	60
All other counties	50
Illinois: All counties	50
Indiana: All counties	50
Iowa: All counties	50
Kansas: All counties	50
Kentucky: All counties	50
Louisiana: All counties	60
Maine: All counties	60
Maryland: All counties	60
Massachusetts: All counties	70
Michigan: All counties	50
Minnesota: All counties	50
Mississippi: All counties	60
Missouri: All counties	50
Montana: All counties	50
Nebraska: All counties	50
Nevada: All counties	60
New Hampshire: All counties	60
New Jersey: All counties	70
New Mexico: All counties	60
New York: All counties	60
North Carolina: All counties	80
North Dakota: All counties	50
Ohio: All counties	50
Oklahoma: All counties	60
Oregon: All counties	60
Pennsylvania: All counties	60
Rhode Island: All counties	70
South Carolina: All counties	80
South Dakota: All counties	50
Tennessee:	
Fayette, Shelby	60
All other counties	50
Texas: All counties	60
Utah: All counties	60
Vermont: All counties	60
Virginia: All counties	60
Washington: All counties	60
West Virginia: All counties	60
Wisconsin: All counties	50
Wyoming: All counties	50

[F. R. Doc. 44-3609; Filed, March 15, 1944; 11:24 a. m.]

Office of Distribution.

MILK IN FALL RIVER, MASS., MARKETING AREA

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

Pursuant to § 900.12 (a) of the rules of practice and procedure (7 CFR, Cum. Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), Food Distribution Administration, War Food Administration, notice is hereby given of the filing with the hearing clerk of this report of the Director, Office of Distribution, with respect to a marketing agreement and to an amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1331, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Food Distribution Administration (now Office of Distribution) as a result of a petition by the Fall River Milk Producers Association for a public hearing to receive evidence on a proposal to amend the order in several respects. The hearing notice also included a proposed increase in the Class I price made by the New England Milk Producers Association, two amendments suggested by the handler, H. P. Hood and Sons, and several amendments suggested by the Dairy and Poultry Branch, Office of Distribution. It was concluded from a consideration of the various proposals that a hearing should be held and a hearing was held at Westport, Massachusetts, on September 27 following issuance of notice on September 18, 1943.

The issues developed at the hearing concerned: (1) an increase in Class I price; (2) selective classification to limit the amount of milk from other markets that may be shipped into Fall River and classified as Class I; (3) proration of shrinkage among various sources of milk; (4) differentials to reflect cost of receiving milk at and transporting milk from country plants; (5) an increase in skim value of the Class II price; (6) revision of the assessment for cost of administration to broaden the basis of such assessment; (7) a ceiling for the butterfat differential; and (8) adoption of minor changes of an administrative nature.

With respect to these issues it is concluded that the following changes should be made:

1. Milk received at city plants from producers should be allocated to Class I up to but not in excess of 95 percent of the milk from producers in cases where the handler had sufficient milk from other sources to absorb additional Class II milk. It has been permissible under this order for a handler to import milk from plants subject to the Boston order and exclude all of such milk from the pool computations at Class I whether it was all needed to meet the handler's Class I requirements or not. Certain handlers have imported much more milk than they needed for Class I uses at a time when the usual sources of supply for this market were insufficient to meet total Class I needs. The recommended change will relieve the market of this burden and will give local producers a priority on Class I milk only up to 95 percent of such milk in recognition of the natural requirements of the fluid milk market for a small reserve supply to take care of day to day fluctuations in demand. It is considered that the burden of carrying a minimum reserve at the Class II price should be borne by producers who are the principal participants in the Class I market.

2. The order should be revised to prorate the actual plant shrinkage allowed as Class II among the various sources of milk received from producers. Some handlers have milk in their plants from three types of producers. In addition to regular Fall River producers they have producers listed for other markets (§ 947.6 (c) and (d)) which are allowed to be exempt from the net pool computations. The order has not been sufficiently clear with respect to accounting for shrinkage to indicate that the milk of various types of producers should bear the allowable Class II shrinkage on a pro rata basis, with the result that in some instances handlers have been able to successfully allocate Class II shrinkage to the Fall River pool which is definitely associated with the handling of milk of producers maintained for other markets.

3. The order should provide differentials to reflect the cost of receiving milk at and transporting milk from country plants. This order has never provided differentials of this type, with the result that handlers are unable to develop supplies beyond the limits within which it is practical to truck milk directly from farms to city processing plants, except to obtain milk from plants subject to the Boston order under which handling and transportation differentials are allowed. Up to 18 months ago this situation did not seem to offer a problem, as the volume of direct trucked milk was ample to meet demands for Class I milk. Since that time nearby sources of supply have declined slightly and demand for Class I milk has increased substantially, with the result that milk is now shipped to the market from beyond the practical trucking distance during almost every month of the year. Handlers contend that in such a situation lack of transportation and handling differentials prevents some potential sources of supply from being able to compete in this market at a time when such additional milk is needed. It is further contended that the regulations are unduly restrictive when their effect is to force the channeling of supplemental milk through handlers who are regulated by the Boston order. These contentions seem reasonable and offer sufficient basis for providing differentials which will enable milk from other areas of supply to compete on even terms with nearby milk in this market.

4. The skim value in the Class II price formula should be increased by the elimination of price quotations for casein from the computation. Such quotations are now a part of the formula during April, May, and June only. The result will be to base the formula on skim milk powder prices throughout the year.

For several years the Class II price in this market has been kept closely related to Class II values in the Boston market. The latter market handles a large proportion of all Class II milk in the New England States, and has demonstrated an ability to manufacture the Class II skim milk into such concentrated products as cottage cheese, skim milk powder,

casein, and condensed skim milk, and return values to producers based on prices reported in the New York market for casein and skim milk powder. Although the small markets secondary to Boston, such as Fall River, seem to have never had a sufficient volume of Class II skim milk to warrant the relatively large investment of powder-making equipment, other outlets for fluid skim milk are present in or nearby city milk markets in the form of ice-cream and cheese plants, candy manufacturers, bakeries, and other food-processing establishments, and such uses successfully compete with the skim milk powder market for supplies of fluid skim milk.

With respect to casein, however, there is no evidence of it over having been made or of prospects for making it in this market. Casein prices are now low relative to skim milk powder prices. Therefore, removal of casein prices from the formula will eliminate an unnecessary depression of the Class II price during April, May, and June.

5. The assessment for cost of administration should be broadened to apply to all milk handled in plants subject to the order, with a discount allowed on any of such milk also assessed under the Boston order to prevent any duplication of assessments. The order now applies the assessment of 5¢ per hundredweight (or such lesser amount as the market administrator may determine to be sufficient) to milk of producers included in net pool computations and milk of producers under contract for other markets which may be temporarily transferred to Fall River.

This arrangement excludes 30–46 percent of the milk handled in the plants subject to the order. This is due to the fact that the order allows handlers who sell milk in several markets adjacent to Fall River from the same plant from which they supply the Fall River market to maintain separate lists of producers for the adjacent markets, and have such milk excluded from both the net pool computations and the assessment. Experience has shown that for handlers who operate in several markets and have milk of various sources, part of which is exempt from pooling, the task of verifying the limited amount of milk to be included in the pool from such plant is as great as would be the case if all the milk were pooled. Inasmuch as the exemption features are options which handlers exercise for their own convenience rather than a mandatory feature of the order, it appears inequitable to exclude the non-pool milk from the assessment. If the options were not exercised much of the non-pool milk would automatically be assessed.

6. A few minor changes considered at the hearing on which no substantial issue developed are recommended. They include a revision of the definition of "handler" to discontinue the practice of allowing a person distributing his own milk to be considered a producer-handler while receiving milk directly from producers' farms for the account of a cooperative association; addition of a provision for an "emergency milk committee" of handlers, of which the market administrator may be a member and act as chairman, to facilitate the procurement of emergency supplies of milk and disposition of milk in excess of Class II requirements through a single agency when needed; deletion of an obsolete feature of the Class I price; and deletion of provisions (§ 947.9 (h) and (i)) requiring handlers to make payments to the equalization fund on milk from other markets which is sold to Fall River handlers. The need for these payments is eliminated by the amendment providing for selective classification.

The following conclusions are with respect to issues, concerning which no changes are proposed:

1. No increase is proposed for the Class I price as changes in production costs are now reflected, within the framework of the "hold the line" program announced in March, 1943, by the Director of Economic Stabilization, by the dairy feed payment program. Revision of Class I prices named in the order must await resolution by appropriate authorities of the method to be used to reflect returns to producers which will be adequate to encourage them to maintain the desired level of milk production during 1944.

2. A ceiling on the butterfat differential would be inconsistent with the principle upon which it is based, in this order, which is the competitive value of butterfat in cream on the open market. Under this system, the differential has at times been relatively low, and at other times, as at present, relatively high. Both extremes are necessary to reflect full value to producers in the long run. Adoption of the requested ceiling of 5 cents per point at butterfat would therefore be incomplete without adoption of a floor also. This would result in a complete change in the basis of the differential, and no such complete change was requested.

Other changes considered at the hearing consisted of the proposal to provide for control of farm-to-plant trucking of milk, revision of the cream conversion factor in the Class II price formula from 33.48 to 33.0; and an optional reporting feature which would automatically allow a handler 2 percent of his milk in Class II without an audit of utilization being made. Insufficient evidence on which to recommend a change with respect to these points was received.

The following operating provisions of a proposed order amending the order, as amended, are recommended as the detailed means by which these conclusions may be carried out. A proposed marketing agreement is not included in this report because the proposed amendments applicable to it would be the same as those set forth below with respect to the amendment to the order, as amended. (In the provisions below, points numbered 4, 5, 7, 11, and 12 relate to handling and transportation allowances; points numbered 2, 9, and 10 relate to selective classification; point No. 3 and the first part of point No. 10 relate to shrinkage; and points numbered 8 and 13 relate to the administration assessment.)

Proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

Provisions

1. In the last sentence of § 947.1 (a) (7) add after the clause "which it causes to be delivered to the plant of a handler," the words "but not a producer-handler,."

2. In § 947.3 (b) (2) change the period to a semicolon and add a second proviso as follows:

Provided further, That of any milk received from the type of handler described in § 947.6 (e), not less than the quantity of such milk allocated pursuant to § 947.7 (b) (3) (iii) shall be Class II milk.

3. In § 947.3 (d) revise subparagraphs (2) and (3) to read as follows:

(2) The difference between the amount determined pursuant to (1) of this paragraph and the total quantity of Class II milk allocated to source (3) milk pursuant to § 947.7 (b) (3) shall be such Class I milk.

(3) The total quantity of Class II milk referred to in (2) of this paragraph shall be such Class II milk.

4. Add a proviso to § 947.4 (a) as follows:

Provided, That for milk delivered to a handler from producers' farms at a receiving plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation, in carlots, of milk in 40-quart cans, as published in the New England Joint Tariff M4 (including revisions and supplements thereof), for the distance from the railroad shipping point for such receiving plant to the handler's railroad delivery point for the marketing area.

5. Revise § 947.4 (b) to read as follows:

(b) (1) Except as provided in (2) of this paragraph, each handler shall pay producers or associations of producers for their milk in the manner set forth in § 947.9, not less than that price per hundredweight, for milk containing 3.7 percent butterfat, calculated for each delivery period by the market administrator, as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents: *Provided,* That any plus amount for skim value shall be added which results from the following computation: compute the average for all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using mid-point of any range as one quotation), published during such delivery period, by United States Department of Agriculture, for New York City, subtract 4.0 cents and multiply by 7.5.

(2) For milk delivered to a handler from producers' farms at a receiving plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pusuant to (1) of this paragraph minus 14 cents.

6. Delete § 947.4 (d) (1) and renumber subparagraph (2) of the same paragraph to subparagraph (1).

7. Add a new paragraph to § 947.4 as follows:

(e) *Computation of transportation allowances.* For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a receiving plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest receiving plant located more than 100 miles from the City Hall in Fall River.

8. In § 947.6 delete from paragraph (d) the words "except that such handler shall make payments as specified in § 947.9 (i)" and change the comma to a period; in pargaraph (e) delete the words "§ 947.9 (h), and § 947.11"; and in § 947.6 (g) (1) and (2) delete the word "and" preceding the word "§ 947.5" and add directly following it the words "and § 947.11".

9. Renumber paragraphs (a) and (b), of § 947.7, and all references thereto, to (b) and (c), respectively, and add a new paragraph (a) as follows:

(a) *Itemization of milk by sources.* For each delivery period, the market administrator shall determine for each handler, for purposes of reference in making the computations in (b) and (c) of this section, the quantity of milk received from the following sources:

(1) Producers and/or associations of producers on each of any lists maintained pursuant to § 947.6 (c).

(2) Producers pursuant to § 947.6 (d):

(i) With respect to the Greater Boston market; and

(ii) With respect to markets outside of the marketing area, other than Greater Boston.

(3) Producers, except milk listed in (1) and (2) of this paragraph.

(4) Handlers of the type described in § 947.6 (e).

(5) Other handlers, except milk listed in (4) of this paragraph.

(6) Plants, pursuant to § 947.6 (d):

(i) With respect to the Greater Boston market; and

(ii) With respect to markets outside of the marketing area, other than Greater Boston.

10. Revise § 947.7 (b) (3) to read as follows:

(3) For the purpose of this section, milk as referred to by sources described and listed in paragraph (a) of this section, shall be allocated among classes in the order of the subparts of this subparagraph, as follows:

(i) Actual plant shrinkage classified as Class II milk shall be allocated pro rata among sources (1), (2) (ii), and (3).

(ii) Remaining Class II milk shall be first allocated to source (2) (ii).

(iii) Except as provided in (iv), in case a handler has milk from sources (1), (2), (4) and/or (6) and also has Class II milk remaining (inclusive of any plant shrinkage in Class II allocated to milk of source (3)) equal to 5 percent or more of the total quantity of milk from source (3), such Class II milk shall be first allocated to milk from source (3) up to and including, but not in excess of, 5 percent of the source (3) milk (inclusive of shrinkage allocated to source (3) milk), then remaining Class II milk shall be allocated to the milk from sources (1), (2), (4) and (6) pro rata, and any Class II milk remaining unallocated shall be considered to be from source (3) milk.

(iv) Milk from source (6) (i) received completely processed and packaged for distribution to consumers which is disposed of as Class I shall be allocated to Class I.

11. In § 947.6(c) (1) and § 947.7(b) (1) (vi) and (2) (vii), change the reference to "§ 947.9(g)" to "§ 947.9(h)"; in § 947.9 (a) (1) and (2), change the references "paragraph (g)" and "paragraph (f)" to "paragraph (h)" and "paragraph (g)", respectively; and in § 947.7(c) (1) and (2) delete the present subpart (ii) and substitute therefor a new subpart (ii) as follows:

(ii) Add the amount of the differential applicable pursuant to § 947.9(f).

12. In § 947.9 delete paragraphs (h) and (i), renumber paragraphs (f) and (g) to (g) and (h), respectively, and add a new paragraph (f) as follows:

(f) *Country receiving plant and freight differentials.* The payments to be made by handlers to producers pursuant to (a) of this section shall be subject to a differential as follows: (i) With respect to milk delivered by a producer to a handler at a receiving plant located more than 100 miles from the City Hall in Fall River, there shall be deducted a sum of 13 cents plus an amount per hundredweight equal to the lowest railroad tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M4 (including revisions and supplements thereto), for the distance from the railroad shipping point of such receiving plant to the handler's delivery plant for the marketing area.

13. Revise § 947.11 (a) to read as follows:

(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 947.6 (f), shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, with respect to all milk produced and delivered by producers and milk received pursuant to § 947.6 (d) or from handlers subject to § 947.6 (e), and by such handler if he is also a producer during such delivery periods: *Provided,* That such handler, which is an association of producers, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such association of producers collects payment: *And provided further,* That any amounts paid on any of the milk specified herein by any handler for cost of administration of another Federal milk marketing agreement or order may be deducted from the amount due hereunder.

14. Add a new section as follows:

§ 947.15 *Emergency milk committee.* Handlers may select an "Emergency Milk Committee" for the purpose of supervising the purchase and allocation among handlers of emergency milk or assembly and disposition as Class II, milk in excess of Class I needs for all handlers desiring to perform these functions through a single agency. The market administrator may be a member of such committee and may act as chairman thereof. Notice of all meetings of the committee shall be given to the War Food Administrator and such person or persons as the War Food Administrator may designate shall be permitted to attend and take part in such meetings.

This report filed at Washington, D. C. this 15th day of March 1944.

C. W. KITCHEN,
Acting Director,
Office of Distribution.

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